Summary of Sector Facility Indexing Project Public Meeting held on May 14, 1997

U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance

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Foreword

On May 14, 1997 the U.S. Environmental Protection Agency's (EPA) Office of Enforcement and Compliance Assurance (OECA) held a public meeting to 1) present the methodology used in OECA's Sector Facility Indexing Project (SFIP), 2) provide the public with the opportunity to give feedback on the usefulness of the project as a whole, and in particular, on the methodology used, and 3) to provide the opportunity for commentors, to give their input on what they believe are better ways to use and display information collected by EPA.

The Public Meeting was announced in the Federal Register (FR) (Tuesday, April 22, 1997, page 19573). In the FR Notice, EPA solicited comments on seven focus topics outlined in the Notice (Appendix.) The public was invited to submit written comments to a public Docket for SFIP (Docket Administrative Record 178) until June 13, 1997, and to make short presentations at the Public Meeting held on May 14th.

The Sector Facility Indexing Project (SFIP) Public Meeting began with an introduction by Elaine Stanley (Director, Office of Compliance, OECA) who gave an overview of the developments and objectives of the project. Michael Barrette (Sector Facility Indexing Project Coordinator, Office of Planning and Policy Analysis, OECA) followed with a detailed description of each of the Indicators in SFIP. He first discussed how each Indicator was developed and then presented sample SFIP tables (Appendix). EPA's presentation was followed by a question and answer session in which members of the public could ask EPA clarifying questions about SFIP. Members of the EPA panel included:

Elaine Stanley, *Director, Office of Compliance, OECA*
Eric Schaeffer, *Director, Office of Regulatory Enforcement, OECA*
John Rasnic, *Director, Manufacturing, Energy and Transportation Division, Office of Compliance, OECA*
Mike Barrette, *SFIP Coordinator, Office of Planning and Policy Analysis, OECA*
Steve Hassur, *Co-manager of the TRI Relative Risk Based Environmental Indicators Project, OPPT*

The remainder of the Meeting consisted of sixteen formal presentations by representatives of the public interest groups, industry and trade groups. Each panel presentation was followed by a question and answer session between EPA and members of the panel. Panelists provided comments on the approach and concepts of SFIP, its methodology, the seven focus topics in the FR Notice (Appendix), and responded to the presentations made by OECA during the morning session.

This is a summary of the May 14, 1997 Public Meeting. Introductory presentations by EPA are included in their entirety to give readers a clear understanding of SFIP. The panelists' oral comments are presented in an unofficial summary fashion and are not a verbatim record. These abstracts of the panelists' comments are meant to capture the significant issues raised and to help interested parties become aware of the day's proceedings. Many of the panelists circulated their prepared statements at the Public Meeting. In order to read these statements

in their entirety, they have been submitted to the SFIP Docket Administrative Record 178. The Docket is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M Street, SW, Washington, DC, 20460 and is available for inspection from noon to 4 pm, Monday through Friday, excluding legal holidays.

List of Acronyms

AFS - AIRS Facility Subsystem (CAA database)
AIRS - Aerometric Information Retrieval System (CAA database)
BIFs - Boilers and Industrial Furnaces (RCRA)
BOD - Biochemical Oxygen Demand
CAA - Clean Air Act
CAAA - Clean Air Act Amendments of 1990
CERCLA - Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS - CERCLA Information System
CFCs - Chlorofluorocarbons
CO - Carbon Monoxide
COD - Chemical Oxygen Demand
CSI - Common Sense Initiative
CWA - Clean Water Act
D&B - Dun and Bradstreet Marketing Index
ELP - Environmental Leadership Program
EPA - United States Environmental Protection Agency
EPCRA - Emergency Planning and Community Right-to-Know Act
FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act
FINDS - Facility Indexing System
HAPs - Hazardous Air Pollutants (CAA)
HSDB - Hazardous Substances Data Bank
IDEA - Integrated Data for Enforcement Analysis
LDR - Land Disposal Restrictions (RCRA)
LEPCs - Local Emergency Planning Committees
MACT - Maximum Achievable Control Technology (CAA)
MCLGs - Maximum Contaminant Level Goals
MCLs - Maximum Contaminant Levels
MEK - Methyl Ethyl Ketone
MSDSs - Material Safety Data Sheets
NAAQS - National Ambient Air Quality Standards (CAA)
NAFTA - North American Free Trade Agreement
NCDB - National Compliance Database (for TSCA, FIFRA, EPCRA)
NCP - National Oil and Hazardous Substances Pollution Contingency Plan
NEIC - National Enforcement Investigation Center
NESHAP - National Emission Standards for Hazardous Air Pollutants
NO_2 - Nitrogen Dioxide
NOV - Notice of Violation
NO_x - Nitrogen Oxides
NPDES - National Pollution Discharge Elimination System (CWA)
NPL - National Priorities List
NPM - National Performance Measures Strategy
NRC - National Response Center
NSPS - New Source Performance Standards (CAA)

OAR - Office of Air and Radiation
OECA - Office of Enforcement and Compliance Assurance
OPA - Oil Pollution Act
OPPTS - Office of Prevention, Pesticides, and Toxic Substances
OSHA - Occupational Safety and Health Administration
OSW - Office of Solid Waste
OSWER - Office of Solid Waste and Emergency Response
OW - Office of Water
P2 - Pollution Prevention
PCS - Permit Compliance System (CWA Database)
POTW - Publicly Owned Treatments Works
RCRA - Resource Conservation and Recovery Act
RCRIS - RCRA Information System
SARA - Superfund Amendments and Reauthorization Act
SDWA - Safe Drinking Water Act
SEPs - Supplementary Environmental Projects
SERCs - State Emergency Response Commissions
SFIP - Sector Facility Indexing Project
SIC - Standard Industrial Classification
SO_2 - Sulfur Dioxide
SO_x - Sulfur Oxides
TOC - Total Organic Carbon
TRI - Toxic Release Inventory
TRIS - Toxic Release Inventory System
TCRIS - Toxic Chemical Release Inventory System
TSCA - Toxic Substances Control Act
TSS - Total Suspended Solids
UIC - Underground Injection Control (SDWA)
UST - Underground Storage Tanks (RCRA)
VOCs - Volatile Organic Compounds

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Elaine Stanley, Director, Office of Compliance, OECA, U.S. EPA

Good morning. I wanted to make some introductory remarks regarding the Sector Facility Indexing Project. As outlined in the Federal Register Notice, SFIP focuses on using existing data to produce facility-level environmental profiles. This meeting provides the public with the opportunity to give us feedback on the usefulness of the project as a whole, and in particular, on the methodology used. To the extent that commentors believe there are better ways to use and display information collected by EPA, this is your opportunity to provide input.

As outlined in the written materials on SFIP, EPA is under obligation from the White House-EPA Reinvention Initiative to produce a public report for the five sectors included in the project. Prior to producing the public report, EPA will closely examine the comments provided at today's meeting, and during the ensuing 30-day written comment period will determine whether improvements can be made to the methodology. Before moving into the panel discussions, I wanted to provide an overview of the project, and how it fits into EPA's overall enforcement and compliance program.

EPA's enforcement and compliance program has many tools for promoting compliance: compliance assistance and outreach, incentives for industry self-policing and disclosure, flexibility/recognition for environmental leaders, compliance assessment (which includes monitoring and data analysis), and enforcement. When you look at these tools, the common thread running across them is the need for knowledge and facility-specific information.

Let me give you some examples of questions that we cannot answer without good information:

- How do we know what facilities, sectors, or geographic areas can most benefit from targeted compliance assistance and outreach?

- What information is available for industries and facilities that might help them in their efforts to identify problems that can be self-corrected?

- How do we know whether a facility is in fact an environmental leader, and whether its compliance record is exemplary?

- How can we reorient our inspection policies away from high performers that are consistently in compliance to those that are having problems?

- And finally, what facilities are out of compliance across all major statutory programs and may pose a significant threat to the surrounding community?

Without data, these questions cannot be answered. SFIP aggregates pertinent environmental information to assist users in examining these types of questions and many others. While the

SFIP will not answer all these questions, it is a framework for discussing the issues and addressing them through more informed inquiry and public debate.

Some key elements about SFIP are:

- It is a methodology for using multiple data systems to view facility records in one place.

- It is a comparative tool for examining sector-based environmental issues and identifying trends.

- It is an analytical resource and a tracking tool for the public that is currently unavailable.

- Much of the information that comprises the sector indexing project is available, but not in a way that is been comprehensively integrated, assembled, and made accessible.

- And finally, it can be an internal planning tool that will assist EPA in designing our sector-based compliance programs.

There are three areas that we really want to focus the discussion on in terms of why the sector indexing project is useful. One is, as noted, it will help the Agency improve and implement the sector approach. The sector approach is something that was adopted in the reorganization of the enforcement and compliance programs three years ago by the Agency, and it is thought that by looking at regulated facilities on an industry-sector basis, we can more comprehensively and effectively understand what the compliance problems are and design programs to address them, be they compliance assistance, incentives, or enforcement initiatives.

The sector indexing project will provide a better analytical capability by aggregating the data on a sector basis and on a whole facility basis. The project originated when it became apparent that EPA's data systems were not well equipped to provide information across statutory programs. Our systems, when aggregated on a particular sector basis, revealed numerous duplicate records for facilities, as well as for compliance status.

The project was started to answer several basic questions for the pilot sectors that were chosen -- what facilities fall within a given sector by Standard Industrial Classification (SIC) codes, seemingly a pretty simple question, but when we queried the databases we got a variety of answers. What are the compliance and performance records for each facility? Again, as many of you know, we were able to answer that question on a media-specific basis, by RCRA or by Air, but if we tried to assemble it for one facility it became a voluminous task, with numerous data quality issues. As a whole, what is the compliance record of that sector? What are the compliance problems, and where do we need to address some of our inspection and other compliance monitoring tools? And finally, another very basic question is: what can we learn from this information to improve compliance? Where are the problems? What

specific regulatory issues are posed? And are there ways that we can assist the regulated universe to improve their record? These are the questions that have driven a lot of the data integration work that has been conducted under the indexing project.

A second theme for the project has been public access and providing stakeholders with analytical tools. Again, we view these data as accessible to all the stakeholders and interested parties. In designing the indexing project, we are attempting not only to improve our own analytic capabilities but also to satisfy the potential needs of all stakeholders. Stakeholders would include, for example: a community group that is interested in learning about the overall compliance record of a nearby facility; a state or local government that is interested in better access to integrated (i.e., multimedia) environmental data, which could be used to evaluate the impact of current facilities in a specific geographic area; an industrial trade association interested in better understanding common compliance problems in order to design compliance programs and self-policing programs; or, an individual facility that is interested in identifying pollution prevention activities for its chemical releases, both in terms of its own record or in benchmarking its performance by looking at the records of similar facilities.

It is important to understand that the information that we are using in the indexing project has always been in the public domain. It has simply not been well-organized, and data quality assured, to facilitate analysis. After we go through those important steps we think there are numerous uses for this information. Consistent with the overall strategic direction of the Agency, this information should be made easier for the public at large to access.

Before discussing the third theme for this project -- internal uses for the Agency -- it is always useful to remind people about what the project is not.

- The Sector Facility Indexing Project is not a single number, or a grading, or a tiering of individual facilities.

- It is not a ranked scoring of facilities.

- It is not a basis for taking enforcement actions.

- And it is not a targeting effort to increase enforcement efforts in the five pilot sectors.

From an EPA perspective, we do see several internal uses for the data, some of which can also be useful externally. The indexing project will allow us to track compliance records in individual sectors. This is a very important effort in terms of assisting us in our planning and measuring the effectiveness of compliance and enforcement strategies, something that the Agency will increasingly be asked to account for under the GPRA.

The Sector Facility Indexing Project helps us distinguish facilities that have exemplary environmental records from those that have consistently had problems with compliance. This is a key aspect of our commitment to shift our resources away from lower-priority or well-performing facilities toward facilities or sectors that may need greater scrutiny. The Sector

Facility Indexing Project will provide a basis for determining associated root cause analyses of individual violations and compliance issues. This will help us understand what the critical noncompliance problems are within each sector, and allow us to design more effective compliance programs around these key problems. Again, problem definition and good analysis are essential elements to an effective program design, and that is our objective.

Finally, in keeping with the results other federal agencies have seen, we are hopeful that better access to public data through projects such as the indexing project will stand alone as a compliance tool, will improve compliance, and will provide additional incentives for improved compliance.

Let me briefly summarize the milestones of the project and where we think we will go from here. Last October, a draft report was distributed to our Regional offices and the states for a data quality review. The primary purpose of this draft report was for the Regions and the states to access the data, and to scrutinize the permit linkages and the compliance data that were in the records that we had assembled. Again, this was really the first time that the Agency had attempted to integrate all of that data on a facility by facility basis. As you can imagine, there were duplications and unexplained lack of linkages that were identified by the Regions and the states. This past April 29th, just last month, we went to the Science Advisory Board (SAB) for a review of specific issues having to do with the toxicity-weights that are used in one of the SFIP indicators. We expect the Science Advisory Board subcommittee to issue its report some time in June. Today we are having the public meeting to seek comment on the project as a whole, and on the other indicators that we have not already discussed with the Science Advisory Board, and to seek alternatives for arraying facility-level data. This fall, we are planning to release a progress report on the Sector Facility Indexing Project, and on the database as it gets redesigned. This meeting is your opportunity to provide ideas and comments to us for arraying the facility-level data.

I cannot stress to you enough our genuine interest in hearing your ideas and hearing constructive alternatives if you have them to offer. We do plan to take the comments seriously. The 30-day comment period will end June 13th. We will review all the comments, provide a response to comments, and then in the fall produce our progress report. Although we are planning to produce the report in hardcopy, we are also considering ways of making portions of it electronically available on the Internet, so that the data can be more accessible and, as necessary, periodically refreshed. We are also thinking about experimenting with standardized reports, so that people who are interested in facility-level data can just pull those reports without having to do any further manipulation.

In closing, let me remind you of the focus topics that were in the Federal Register notice, because those are really where we are interested in getting your comments. I hope that those of you on the panels will be able to address them. Those topics are:

- First, public access and how the Agency can best implement projects and policies to improve the public's ability to access facility-level data. While we in this project are focusing primarily on compliance-level data, it is an overall strategic goal of the

Agency to make all of its data as accessible as possible to the public. But we understand that with access comes the responsibility to ensure that the data are of a certain quality and to make sure they are understandable. We are very interested in your comments as to the pitfalls and benefits of a public access approach.

- Second, we are interested in comments on the sector approach. Is it useful to have the ability to compare similar types of facilities within an industrial sector?

- Third, what are the appropriate measurement categories? Are the indicators or measurement categories that we have selected based on existing data the ones that are appropriate for facility-level profiling? Should we add other categories? Are there other data sources that are available that you may be aware of? Given the constraint of using available information, what are the alternatives for indicator categories that you would suggest?

- Are there longer-term improvements to either measurement or data collection techniques that you would suggest we consider as we go forward with this? I would comment that the Agency, the Office of Enforcement and Compliance Assurance (OECA), has another major effort underway in the measurement area, which is the National Performance Measures Strategy (NPM Strategy). We are very much aligning SFIP with the thinking going on in the Performance Measures Strategy in terms of new measures that are under consideration, and certainly we will have those two projects well coordinated as their respective reports are issued.

- Sixth, any suggestions you have about preferred methods or formats for accessing the data will be of great interest to us. We tend to assume that most people or most businesses at this point are Internet-literate and accessible. But we need to keep in mind those users who may not be at that level or who may need alternative means of access.

- Finally, we would be interested in your comments on the uses of the Sector Facility Indexing Project. If you plan to use the project, what are the benefits of having this information, and what potential uses do you see for it, for your organization?

With those issues in mind as a focus for your comments, let me just say again that we appreciate the time and attention that you are giving this project. We think it is an important project for the Agency, for the purposes of public access and improved compliance assurance programs, but we recognize that there are always improvements that can be made to it. We are interested in your comments on the program design and look forward to what we hear today. Thank you very much.

Michael Barrette, SFIP Coordinator, Office of Planning and Policy Analysis, OECA, U.S. EPA

I am Mike Barrette from the Office of Planning and Policy Analysis in OECA. I have been working on the Sector Facility Indexing Project over the last two years. What I wanted to do today is go through a little bit of background on why we started the project, what we have done over the last two years to improve the ability to look at facility multimedia records, and then go through some of the materials about the indicators used within the project, the proposed indicators that we are looking to add, and the types of comments we are asking for in terms of whether we should expand out into new data fields.

Before getting into any details on sector indexing, I first wanted to give an historical perspective on why we started this project. September 1995, when EPA published 18 Sector Notebooks, was really the first step that we had taken to implement the sector approach as our office was reorganized. We specifically looked at putting together information that the public could use that looked broadly across air, water, and waste statutes that applied to each of the 18 industries. Each notebook aimed to improve understanding of industrial processes; pollution from each of the processes; applicable regulations; and, pollution prevention opportunities being used by the regulated community, that we could possibly promote. In addition to profiling the pollution release records of each facility within the sector, we also attempted to profile the compliance records. Through this Sector Notebook Project, we started to learn the difficulties of extracting information from individual program databases, be it Air, Water, RCRA, or other EPA databases, and bringing it together to tell a comprehensive story about a particular industry. The notebook project was our introduction to reorienting ourselves to look at particular sectors. Given the fact that the industries are organized along these sector lines, this new approach could improve our ability to work with them and to take on problems that we may find through analytical efforts like the notebooks or the indexing project.

The information included in the notebooks is essentially aggregate information. It does not include facility-specific information. It may tell you the noncompliance rate within an individual sector, but after we finished the project we said, well, what does that aggregate percentage really tell us? It helps us focus across industries to see if there are more problems in one industry versus another, but it really does not help us look at where can we be effective within given industries. The next stage was to try to move from aggregate data presentation into facility-specific presentation, for the reasons that Elaine Stanley outlined. For example, we can start to distinguish among facilities within individual sectors and really tailor our programs to where there may be problems. Or, as Elaine also mentioned, look for environmental leaders, people that we could reward or maybe spend less time inspecting because they have exemplary compliance records.

As we started that effort, we thought it was going to be a fairly simple task. We asked our data systems: "How many petroleum refineries are there in the country?" The answer that we got back was about 850. We compared that to information from external sources available through the trade associations and through the Department of Energy. What we found was

the true answer was in the range of about 180 facilities. At that point, we decided that what we really needed to do was focus on how to begin identifying facilities within a sector across individual databases.

One problem we found as we tried to understand why we were over-counting was that each program database was using a different facility identifier, oftentimes with a different name due to corporate name changes or maybe a different address. We had problems figuring out who exactly we regulate within each sector.

Rather than try to sort out those 850 records for refining (and the other mismatches we found in other sectors), we decided to use external sources of facilities that are generally accepted by the industry and by other federal agencies. We looked at vendor directories, trade association information, and, in the case of petroleum refining, we looked specifically at Department of Energy information that is submitted on a yearly basis. The goal was to see how many regulated facilities are out there in each sector. From there, we wanted to start attaching our data records to those facilities as the first step in telling an accurate story.

As we moved through that process, we were asked, through the Reinvention Initiative, to look at two particular items in addition to improving our sector analysis:

- One was to focus particularly on public access so that stakeholder groups and outside users could also inform their decision-making.

- The second particular point that we were asked to look at under the Reinvention Initiative was how we could start to use risk-based information to better characterize pollution release data that are submitted by individual facilities.

The indexing of facility information from various sources involved a few steps:

- Going to the outside groups to get lists of individual facilities.

- Arraying individual permits under each facility to allow us to do data analysis.

In other words, what are the Air, Water, RCRA, and TRI records associated with each facility? We did that through a series of matching processes based on 1) name and address searches, 2) self-reported information that facilities give us on the TRI form, and 3) Dun and Bradstreet information. The result of our first run was a listing of all potential permits that may be associated with the facility. Based on that, we went through a manual check to weed out all of the bad records that just did not look like they fit. We produced a table that showed for each of the five industries covered under this project which Air, Water, RCRA, and TRI permits or identifiers we thought were appropriate. At that point, there were still a fair number of facilities which did not appear to have permits or identifiers from all major programs. In those cases, we searched the individual program databases for those permits. We were able to get almost 95 percent coverage, based on our assumption that within the five

industries we would expect an Air, Water, RCRA, and TRI record to be in existence for those facilities based on the size of most of the facilities in the sector.

At that point, we had the permit linkage table ready to go. We sent it out to the Regions and states for a data quality check to put it closer to the people that deal with these industries and facilities on a day-to-day basis. Based on that review, we did discover some errors, but in general it was a very low percentage -- only about a 5 percent turnover in the permits that were identified through our original effort. With the linkages in place, our next step was to address some of the following questions: What information is available? What information is important to display? What types of data fields are important in examining facility records or creating a facility profile? We settled on five or six categories: compliance and enforcement history; pollutant releases; toxicity of releases; and, although we are not there yet, risk information about the releases; the size of the facility, which is something that provides additional context for both pollution release information and compliance information; and the location and demographics of the area surrounding each facility. These were the key categories that we decided we wanted to fill in under the project.

Unfortunately, we could not go beyond what was existing in our current systems. Based on those categories, what data exist that we could array to provide a sense of facility performance? Our basic premise was that we want to start out with what we have currently available. Based on the fact that a lot of this multimedia integration of information is new, we decided to really focus on RCRA, Air, Water, and TRI. Later we can expand out to other data fields and other EPA program databases or external sources of data that may be important.

Most of the information is already in the public domain, information that people can already get on the Internet or can get through EPA reports. The only difference with the Sector Facility Indexing Project is that those records are being brought together at a facility level, so that users do not have to go into individual systems to find information about the facility -- they can get it in one place.

At this point, I want to focus on how we arrived at the indicators that we have outlined by walking through the spiral-bound handout -- the section that describes the indicators used under the Sector Facility Indexing Project. I am going to walk through each of the indicators, give a little bit of background on what it is that we are using in terms of data, and why we thought it was important. I will touch on comments that have been made on particular indicators that we use.

Indicator 1 specifically looks at inspections, which is a measure of enforcement and compliance performance at each facility. I should probably mention that all of the data fields that I am going to talk about today are limited to what EPA collects at the federal level. So there may be other occurrences of inspections or enforcement actions or noncompliance that have occurred at the state level that may not be required in the federal systems. And I just wanted to add that caveat before we go through. And the second caveat that we are specifically looking for compliance and enforcement data on Air, Water, and RCRA.

The **second indicator** that we use is historical noncompliance. This is a measure of how frequently problems are occurring over time. The way that we measure this is a function of how we collect information from the states and the regulated community. We collect that information from both industry and the states on a quarterly basis. This measure does not show how severe individual noncompliance events or violations are, but it does show, over the last eight quarters (or two years), whether there have been consistent problems in RCRA, Air, or Water. There may be instances where the violations tracked here are minor. There may be instances where they are fairly major. What we are characterizing is, have there been problems at the particular facility over time, or are the instances of noncompliance relatively rare? For example, maybe only once out of the past eight quarters has there been a problem.

We have gotten comments on this measure, and we have modified it from our original October report that was sent out for Regional and state review. One of the comments made was that this measure may overcount noncompliance. You may have an instance where a facility is out of compliance for only one day out of that quarter, but they get flagged out for the whole quarter based on this measure. That is a problem. In terms of trying to look for solutions, we have considered attempting to shrink the measurement period to months, and that is something that we are interested in discussing. Currently, we do not collect that information on all three programs on a monthly basis. Under the Water program, we get noncompliance information from the states on a quarterly basis.

We have also gotten comment that this indicator may undercount noncompliance in instances when facilities are not inspected, so we do not really know what the compliance status is. As I mentioned earlier, we may not require submission of data at the federal level for facilities with minor permits. So in some instances, our data may show a facility in compliance because we are not requiring records from the states that would show otherwise. There are also other regulatory programs that are not reflected in these data.

The **third indicator** -- significant noncompliance -- is a measure we use to track the severity of the violation or noncompliance event. In general, significant noncompliance is triggered by multiple noncompliance problems over time, or severe individual noncompliance instances. The significant noncompliance is a simple 'yes' or 'no' variable within each of the three data systems that we are looking at. In most programs we do not track this measure on a historical basis. The measure presented in the Sector Indexing Project applies to the point in time when the data were pulled. That may vary across programs depending on the latest information that we have. We are looking to balance the historical and significant noncompliance indicators. That is, over time, have there been problems at the facility or not? And at the latest point in time that we can show in terms of our data systems, are the problems severe?

The **fourth indicator** is enforcement actions taken that are reported for each particular program. I am talking at this point mostly about aggregate data. For example, if there were three enforcement actions, what were they? What happened? What was the type of action? What was the date that the action was taken? What was the penalty amount? Those types of details are hard to bring to a statistical level.

The **fifth indicator** is production or capacity. EPA does not store this information in its data systems, but it is available from outside data sources. We had gotten comments in the past that facility size is an important indicator to show complexity and the likelihood of multiple regulations. It may be useful context in terms of indexing pollution release, and better understanding why pollution releases may occur based on the sheer size of the facility. For each of the five industries profiled, we have included either a measure of actual production, or, if production was not available, we have included the capacity of the facility.

The **sixth indicator** is pollution releases. This is a category that we have spent some time researching, and settled on the Toxics Release Inventory (TRI) as the best source of multimedia data. This information is self-reported by facilities, has a fairly wide chemical coverage, and is something that is nationally consistent in its application. Within SFIP, we looked at TRI pollutant releases as the most important pollutant release data, but we have also started to look more closely at single-media data and are working through some issues in terms of how they can be presented, since a lot of our single media systems provide more detailed information on chemicals either not reported into TRI, or mixtures of chemicals that are not included in the chemical-specific roster of pollutants now reported to TRI.

We have gotten comments, especially from industry groups, that TRI releases should not be seen as an indicator of compliance. In essence, TRI is a community right to know program. TRI releases should not be seen as an indicator of noncompliance, although we do feel that this is an important element as we look at individual facility profiles.

Indicator seven is toxicity-weighted pollutant releases. This measure goes back to the Reinvention Initiative, when we were asked specifically to start looking at risk factors. At the beginning of the project we canvassed available models that were available that might allow us to provide more context to pollution release information, recognizing the fact that each chemical has a different toxicity rather than simply adding up the released pounds of chemical that may be completely different. We looked at the TRI Indicators model, which was developed in OPPT, as something that is of potential use for this project, and as Elaine mentioned, we have submitted the toxicity-weights for Science Advisory Board review. The methodology basically assigns an oral and an inhalation toxicity score for most of the TRI chemicals. Each chemical reported by a facility is multiplied by a score of 1, 10, 100, up to 1,000,000 based on available toxicity data. We are not going to go into a lot of details on that today, since that is the focus of the SAB review, but we do have additional background information on that for people that want to know more.

The **eighth indicator** is the ratio of pollution per unit of product. This gives an overall sense of pollution or chemical releases at facilities, versus how big the facilities are. An example would be the number of pounds of pollution released per car produced by an auto assembly facility. Obviously, there are variables at individual facilities where this is not an exact measure. We are looking at this measure as a screening level tool. It may show us either reporting problems where facilities may not understand exactly how to report TRI information, or it may show us that there are problems at particular facilities in terms of pollution releases well above the average industry releases per product produced. We have

also used a sub-indicator that shows toxicity-weighted releases to production or capacity as well, because we think toxicity-weighting information is important.

Indicator nine -- surrounding population -- gives a context for the setting of a facility using a three-mile radius. We also provide some information that we have been asked to put in the report by the environmental justice community, which indicates the percent minority population **(Indicator 10)** and the percent below poverty level **(Indicator 11)**.

The next indicators that I am going to mention were not used in our original October draft report, but we are looking at for use in the next iteration. The first is emergency response notification of spills and releases **(Indicator 12)**. This is self-reported information by individual facilities of unexpected or unpermitted releases of hazardous substances that are required to be reported. We have gotten comments, especially at the Science Advisory Board meeting, that we need to look closely at acute risks and to look at effects of one-time major disruptions or problems. TRI does not really provide us that information, since that is primarily a yearly figure. So the Emergency Response Notification System (ERNS) data fills in some of those gaps and provides a sense of management practices at facilities -- do we see a lot of spills or are they rare? The data show how many spills occurred over the last two years and the total pounds released. The underlying data gets into the type of spill, the chemical, and the date of release. It also provides information on what happened as a result of the spill. All of that information is already in the public domain, and is on the Internet.

The **thirteenth indicator** is pollution transferred offsite, and that is simply a Toxics Release Inventory category that we had been asked to add. The first iteration included releases only. We received comments to add transfers and that may be something that we can work into measures of facility efficiency in terms of pollution release to production ratio.

The **fourteenth indicator** is something that is under development at this point and that we are looking for comment on. As we moved through this process, one of the comments that we got was that the TRI release information does not really tie together releases that are over permitted levels and noncompliance issues. What we were looking for in terms of the three regulatory programs is: are there other measures of pollution release that would better inform that connection between pollution that may exceed permitted levels? There was not really anything available under the Air or RCRA programs that we could use. Under the Water program, we have looked at three options so far. This is based on self-reported information on the discharge monitoring reports in the Water program.

Option 1 looks at how many parameters, or pollutants, are regulated at the facility, the number of parameters that have had an exceedence over the last two years, and how many self-reporting events have occurred. For example, if there are two parameters monitored and they are monitored monthly over two years, then we have a total of 48 monitoring periods. Of those 48 monitoring periods, how many of those periods are flagged as being over the permitted limit?

The second option basically normalizes the permit exceedences to look at specifically the fact that there are different measurement periods within each individual facility. You may have one chemical regulated on a yearly basis and one regulated on a monthly basis. Option 2 would essentially normalize this, so that each parameter would be given equal weight. The parameters that are monitored more often are not given more weight than other parameters that we do not have as much information on.

The third option looks at permit loadings over or under the permitted level. Based on EPA's index of watershed indicators, this measure indicates whether facilities are operating above or below permit levels. This is done by calculating the maximum allowable limit under the permit for each chemical, and then (based on the self-reported data) providing an assessment of whether the facility is above or below, and what percentage above or below it is for each individual parameter that is monitored and in aggregate for the entire facility over all parameters. This is still under development, but we thought we would lay it out as an option.

Indicator fifteen provides an enhancement to TRI release data. We received comments not only through the Reinvention report, but through other meetings, that it may be worthwhile to look at particular chemical categories within TRI releases. The TRI program already includes chemical categories such as carcinogens, metals, ozone depletors, and a few others. We may as a sub-indicator to overall TRI pollutant releases provide additional context for what categories those releases fall into.

The last section that I am going to go through is the proposed categories. We would like to add these to the project in the long term, but we have not done a lot of work on them yet. The first is single-media pollutant releases. We have a fairly good handle on how we can pull air and water release data together straight out of the data systems. We do not really have a sense at this point how we can combine them into some type of aggregate statistic, but we are thinking of adding that information in as part of the underlying data that would be included with the project.

The next category is voluntary program participation. This is something that we looked at adding early on in the project (we do have information on the 33/50 Program). As we did research on the different voluntary EPA programs, we found that most of them were organized at the corporate level, which did not allow us to examine whether individual facilities were participating in voluntary programs. We think this is important information that should be part of a complete facility profile. We have had several discussions with people in EPA who deal with these programs on how we can integrate that information at the facility level. We are looking for comments on how we can go ahead with that.

The next category is financial disclosure data, which is essentially a listing of environmental liabilities that are normally used in the financial community. The example that we provided in the handouts is Security and Exchange Commission 10K reports. This may also allow us to expand information beyond the three regulatory programs that we are looking at right now to maybe include CERCLA data or other information that we may not have otherwise known about in EPA data systems.

The last additional item that we are looking at is, what databases beyond RCRA, Air, Water, and TRI is it important to integrate? Are there glaring omissions that you think that we should include as part of the facility profile? What are the priorities that we should set in moving forward with incorporating additional information?

You may have seen some earlier versions of our October report or templates for how we are displaying information -- we have gotten substantial comments on that, especially from some states and from the Regional offices. What we have done here is put together our latest blueprint for how we think we can improve the array of information based on the comments we have received. We wanted to put a revised table format forward so that we can again receive comments during this public meeting on this methodology. Again, this is not final, but is something that we wanted to use for discussion purposes today.

In general, commentors, particularly from states, thought we should really separate the TRI pollution release data from the noncompliance and enforcement data. In the first iteration of the report we had those packaged together. In this second iteration we have made some substantial changes, so that we have packaged compliance data in one chart and pollution release data on a second chart.

Table 1, Facility-level Compliance Data: Rather than go through each indicator in depth, I wanted to give you a sense of how the information is presented in this latest report -- I am going to reference the indicator number that is in the second row of the table. Please look at Table 1, Facility Level Compliance Data. Under Inspections, and most of these other categories, the first version of the report simply showed a multimedia total. We have gotten comments that since a lot of our programs are organized by single media, users want to see the Air, Water, and RCRA breakdown right away. We now provide not just the total across media, but the statistics by individual program as well. For inspectors, you can see we have Air, Water, RCRA.

For historical noncompliance, we had originally packaged this as a frequency of noncompliance with permits. We received comments that that is not accurate, given the fact that we are not measuring how long within a quarterly period a facility is out of compliance. What we have done in repackaging this measure is to show within each program, over the last eight periods, how many of those periods has a violation or a noncompliance event occurred; we have not presented an aggregate time-out-of compliance statistic. For example, Facility A under the Air program would show that in two out of the last eight quarters it exhibited either a noncompliance event or a violation.

In terms of pollutant release exceedances, the example is Option 1, under Indicator 14 -- pollution releases over permit level. This is a display of the four indicators that I mentioned earlier. Significant noncompliance is broken down by Air, Water, and RCRA, which we had not done last time. Last time, we had one, two, or three, showing how many programs a facility was in or out of compliance for. We think this measure is better, because it shows you where the particular problem might be. We made similar changes for presenting enforcement actions.

The only other thing on that table that I will mention is that the Regions commented that we needed to better distinguish instances when we just do not know what the status is -- that is, times when we are not collecting data from the states, or if the facility, for example, holds a minor permit. We do have data codes that would indicate that in our next version.

Table 2, Facility Size, Chemical Release and Demographic Data: The second table is the presentation of production or capacity, chemical release, and demographic data. This is fairly similar to the original presentation, although it is broken apart from the noncompliance information. The two additions are TRI off-site transfers and pollutant spills. TRI transfers are familiar to those involved with those data. We have chosen the number of spills and the amount spilled. The underlying data would provide more on exactly what those spills were.

Table 3, Integrated Data Facility-specific Compliance Profile Report: On the next page is one sample of a more detailed report of underlying data for compliance and enforcement. What this shows in the first category is what RCRA, Water, Air, and TRI permits or identifiers are used under the project. This would allow the user to gauge whether we provided that information accurately, and whether we have included all permits. As you can see from this example, one of the problems we have in terms of matching information automatically across programs is where street addresses are different. They are not matching up exactly across many of the programs. That is something that our manual reconciliation efforts will address.

The next category is enforcement actions. This report that I provided here is not the most detailed report, but it just does show what the date was, the penalty amount, and the type of order that was issued.

The next category is significant noncompliance. This would show under each program, what that significant noncompliance event was, and in what quarter we measured it.

The noncompliance status provides several indicators, depending on which program we are looking at. Under the RCRA program, what we show is when the violation started, and when it ended, or if it has not ended the fact that it continues, and what specific item triggered the noncompliance. So where you see the arrows to the right, that indicates each of the eight quarters that we are counting in the aggregate statistics. As you move down, you will see Clean Water Act and "V" in quarter four, that will indicate that that particular parameter was in violation over permit limit for the fourth quarter. If you track that back to our historical noncompliance indicator, this particular facility would get a score of one quarter out of compliance over the last eight within the water program.

On the next page, the underlying data provide information on the Clean Air Act and several of its subprograms: MACT, SIP, PSD and NESHAP. It provides information for each of those subprograms about whether the facility is in compliance or whether there is a noncompliance flag. In addition, we indicate whether or not that particular chemical is in or out of compliance for the most current period. For example, where you see SIP, underneath it you will see benzene in compliance based on an inspection. That indicates that that particular pollutant is in compliance for the latest period.

The last piece of this backup report is inspection history. This is simply a list of how many federal or state inspections have been performed and entered into our data systems.

We think, in general, that this combined information provides insights that are not currently available, and makes information easier to use for designing programs, not only internally for EPA, but for stakeholders. We think that the data quality will improve the more the information is used, and we have taken substantial steps through our Regional/state review period and through our internal data quality reconciliation process to fix the problems that we found two years ago when we started the project. With that, I am going to wrap up the discussion of the indicators used. We will be happy to answer additional questions during the next question and answer period, if you want to clarify any of the points that were made.

Question and Answer Session after Elaine Stanley and Michael Barrette

Steve Leifer: Could you explain what noncompliance events are? Let us say an inspector goes to the field and determines that someone has failed to label some hazardous waste containers. He then usually writes up his inspection, sends it in to the Regional Counsel's office. The Regional Counsel's office looks at it, decides whether indeed that sounds like a violation, and then may issue a notice of violation or send out a draft complaint or issue a complaint or something like that. Then, the party, the source has the opportunity to contest the finding, either through the judicatory hearing or perhaps an informal conference. If that does not resolve it, sometimes it does get fully litigated. Finally, there may be a finding. Where along this process would a facility be listed as out of compliance?

EPA: There is not one standard answer, since it may vary across each of the individual programs. The general answer is that in most cases, the particular findings that an inspector -- the findings of an actual inspection--would come back to either the state or the Regional office for a review. Based on the criteria that are established for each of the three programs, the state or Region would make that determination in terms of whether or not a violation did actually occur. At that point, that violation would be entered into our data systems. We could provide you with more technical information for each program on exactly what particular events trigger noncompliance. Notices of violation are seen more as an informal type of enforcement action. Generally, those are not considered noncompliance, and do not trigger noncompliance status unless the state or Region has made a determination that maybe there were several notices of violation or there were repeated things that would trip that facility into going into noncompliance status. But a notice of violation by itself is normally not something that would automatically trip a facility into noncompliance status.

Steve Leifer: But an inspection report could be counted as noncompliance?

EPA: The results of an inspection report, which is based on a review of the data. There are nuances within each program. For example, under the Water program, noncompliance is an automatic calculation. The facility submits its discharge monitoring report. We take it in and do the math. If it is a certain percentage over the permit limit, then that would trigger that facility into a noncompliance category. So, there is not one easy one-size-fits-all answer as you aggregate information across programs.

EPA Follow-up: As many of you know very well, the issue is that each of the media programs has a slightly different process for determining when a facility is actually determined to be in violation. In fact, in some of the programs, a notice of violation is considered to be the actual determination of violation. For this project's purposes we use whatever procedure each program has followed in the Region, and whatever the Region has established as the point of determination of noncompliance when it gets entered into the data system.

Julie Becker (American Automobile Manufacturers Association): A couple of questions. In the docket, why are the data on auto assembly there for about five of the Regions? The second question is, you said there was going to be coordination with the National

Performance Measures Strategy. This is the first time we were made aware of this. I want to make sure it is in there.

EPA: On the first question, that is the first time we have been made aware that auto assembly data are not in the docket. We sent the complete report to the docket, so maybe it got lost in the shuffle somewhere. But we can check into that, and if it is not there now we will make sure it gets in there.

EPA Follow-up: With respect to the National Performance Measures Strategy, what I wanted to point out is that we are not trying to duplicate the work that is going on under the National Performance Measures Strategy. The focus of the NPM Strategy is looking at new measures, new ways to either use existing data or even possible new requirements for data in order to measure performance in the program. As we talked about earlier, the focus of this effort is ways to use existing data in order to analyze and make them available to the public. There will be communication and coordination between the two efforts. To the extent that there are ideas that come up through this discussion that we feel more appropriately need to be discussed in the measures strategy forum, I will be working with Mike Stahl to make sure that they are addressed in that forum.

George Harmon (Maryland Department of the Environment): Are you envisioning a central national database for, or are you looking at also having, Regional or state databases as depositories?

EPA: At this point we are focusing primarily on the design of the project and the indicators that would comprise the methodology. The issue of the delivery of the information is something that we will consider in the next phase of the project. We are looking at delivery that will make it publicly accessible, but as with so many of the other SFIP issues, there are other Agency initiatives that we will want to coordinate ways of making information available very closely with the Key Identifiers project, the One-Stop Reporting project, and other efforts. We have not resolved that question.

John Wagner (American Petroleum Institute): I noticed in the new sample data sheets, you are now arraying noncompliance on historical perspective and noting the rate of noncompliance. Is this true?

EPA: Right.

John Wagner (American Petroleum Institute): Is that the current thinking?

EPA: I am not sure exactly what you have in mind, but I can give you a sample of what we did under the original report. We presented a fraction with the number of quarters out of compliance on top and, on the bottom, number of quarters measured. From that we developed a statistic that might be "33 percent." That statistic was labeled "frequency of noncompliance with permits." Based on comments we have received, that it does not measure the frequency within individual periods, we repackaged that information. We have tried to

array that information to better reflect exactly what we are measuring--whether problems have occurred over time.

Bob Kettle (Texaco, Inc.): I am looking at the integrated profile report. Can you clarify whether the reported penalty amount is an initial assessment, or the final agreed-upon payment?

EPA: My understanding is that is the final penalty amount; we do not provide information on initial penalty amounts.

EPA Follow-up: Yes. Final penalty amounts are used.

Ryan Clark (Natural Resources Defense Council): I have a question regarding the compliance rates that apply. When you are reporting the number of quarters out of compliance, will you also report the number of quarters monitored or actually measured? Without that indication of the number of periods, it is difficult to understand how important the number is of the quarters in violation. It is important to know if it is six versus eight quarters.

EPA: There are a couple of different ways to look at that. At this point we are looking at using eight as the standard number. There may be facilities that have, say, two Air permits. The question is, do you aggregate the records for both permits, or do you separate them out and report sixteen as your measurement period? Our thinking is indicated in how we are presenting it in the table, but we are definitely open to suggestions on that. I do not think I mentioned that the indicator does not provide any sense of multiple violations or noncompliance within a quarter. As you can see in the example that we provided here, under RCRA, there may be multiple violations and you wouldn't know that from looking at the aggregate statistics. But you would know that from looking at the underlying data. The reason we are not able to present this in a statistical measure is because violations are tracked differently across each program. For the Air program, it may be based on an inspection. In RCRA, it may be an ongoing noncompliance event that is longstanding. Water may be a one-quarter violation. So it is hard to sum the total number and provide an aggregate measure, but we do have that in the underlying data.

Ryan Clark (Natural Resources Defense Council): Can you give me an example of how the data will be represented for long-standing violations versus inspections?

EPA: If you look at the second to last page of the integrated profile report that we just went through, at the bottom you will see noncompliance status by quarter. For the hypothetical facility there were three particular violations under RCRA. One starting in 1986, one in 1989, and one in 1991. Those violations are ongoing. The arrows indicate that they continue through the latest period of data. Under the Clean Water Act, where we measure by quarter, a violation would be tracked for the fourth quarter. That would be a one-time violation that occurred just for that particular quarter, and it was not continual across quarters. This reflects

some differences in how Air, Water, and RCRA handle noncompliance information--each one does it a little differently.

Ryan Clark (Natural Resources Defense Council): Are eight quarters used in the case of RCRA?

EPA: Right, that would be eight out of eight. We are standardizing eight as the denominator for all for the measures. If you look back on Table 1, at the bottom of the page to the left it indicates that historical noncompliance is for the last eight periods. Each of the measures under Indicator 2 would be over the last eight periods. We may need to review that to make sure that we are capturing data for all quarters. If it turns out that, for example, we do not have information for some quarters, and we only have a denominator of six, how can we show that? Right now we have not built it into this version.

Ryan Clark (Natural Resources Defense Council): If a facility has violations on two permits for one program, would you count these violations as two or one?

EPA: They were counted as one for the Air program. If quarter two was the only time you had a violation, and you had a violation for both SIP and NESHAP, you would be counted out of compliance for just that quarter.

Holly Lynch (Institute for Interconnecting and Packaging Electric Circuits): Will SFIP apply to other sectors? What criteria will you use to select other sectors?

EPA: At this point we are looking to meet the Reinvention Initiative, which says we are supposed to put the information out for five sectors. Until we finalize that, we have not made decisions on whether to move into new sectors. It is something that we are thinking about. As we have gone through the permit linkage process, we have developed procedures that may allow us to automate multimedia integration that could help us in other areas.

Ali Alavi (Horsehead Industries): You had mentioned that you were going to look at some factors related to risk. What is your time line on that, and what information you are actually looking to integrate in the analysis?

EPA: When we started the process, there was a separate task under the Reinvention Initiative that asked the Enforcement and Compliance Office to look specifically at how we could reorient our program to focus on risk-based priorities. As part of that process, we have an ongoing workgroup that has been examining risk models -- relative risk models -- that are in existence and available for use. They have made a lot of progress in taking the original 180 models that they found and winnowing down to about six that they think may have some potential for use. At this point, they are in the process of testing how those models work, how the results compare across model. That project is ongoing. We do not have a fixed time line on when it is going to be done, but we are hoping that we can implement it within the next year or two.

Amy Lilly (Association of International Automobile Manufacturers, Inc.): I notice that you are planning to include financial information. Why are you planning to include it, how does it relate to facilities' enforcement and compliance, and how does it fits into the regulatory Reinvention program?

EPA: Could I clarify that the public financial information that we were talking about earlier is something that we said we were considering including. That is something that we are asking for comment on. There has been no final decision on it. I think you were portraying that as something that we are determined that we are going to include, and I want to clarify that.

EPA Follow-up: We are considering it as data that would provide an accurate sense of facility performance or environmental problems. The financial disclosure information will go beyond what we can right now provide under RCRA, Water, and Air. It also might allow us to match our internal records within EPA to the records that the facilities are self-disclosing under something like the Securities and Exchange Commission 10K reports. Are we finding out about all the available information? Can we match it up with indexed facilities? Is there something that is missing from our data systems that we need to look at? Our preliminary work has shown that there are data within the 10K reports that we do not have in our data systems that would be worthwhile knowing.

Amy Lilly (Association of International Automobile Manufacturers, Inc.): I still do not understand how it all relates to this program. I understand how you might want to improve your database of financial information. I do not understand why you would want financial information in SFIP.

EPA: It is not the financial information per se. What we are talking about are liabilities for pollution problems at a particular facility that may be showing up in those disclosures, not that this facility is worth $10 million.

Bob Kettle (Texaco, Inc.): My question is on the thirteenth indicator--TRI offsite transfers. Could you explain whether you have contemplated distinguishing recycled offsite transfers from those which are treated or disposed, and explain if it might be something you would consider further? Because recycling has different environmental implications than disposal.

EPA: I think that is a valid point. We would be interested in hearing your comment on whether it is worthwhile to separate those fields out. We do know that well over 50 percent, I think 65 percent of the TRI transfers that were reported in 1994, were recycling transfers. If that is something that would be important to break out, we are definitely open to considering that.

Speaker unidentified: I want to follow up on my colleague -- John Wagner of API. On the RCRA violations, how were they considered in the database? I noticed that there was a groundwater violation starting in 1989 that was being reported in 1997. Does that mean they still have not resolved the original violation for the groundwater monitoring?

EPA: Yes, it means there is no formal end date. What that would indicate is that the situation has not been resolved in a manner that puts that facility back into compliance status for that particular element. There are two scenarios: one, they are still out of compliance and two, they are out of compliance but they have agreed to some type of compliance schedule but are technically still out of compliance.

Undine Johnson (Georgia Pacific): You have included data in SFIP on the number of spills and the amount of chemicals spilled. Have you considered including information on what was spilled and whether it occurred on-site or off-site?

EPA: We are constrained by what is in the ERNS database, which we outlined in today's handout. Not that we are going to use all of these, but the database lists what substance was spilled; what media the spill affected (water, land, or whatever); and, the results of the spill in terms of injuries, deaths, and evacuations. If you go into the more detailed reports, in most cases it will give a written summary of exactly what happened. We may not be able to provide that level of detail under the indexing project, but we probably could provide references so that people could look at that under the ERNS database.

Cindy Evans (American Forest and Paper Association): What mechanisms have been put in place for alerting the permit offices that irreconcilable data errors have been brought to your attention and are included in the SFIP profiles? What mechanisms do you have to verify that the changes have been made?

EPA: That is something that we have been working on. We had discussions with your trade association and several others on how we would go about providing a review of the data. At that point, your group and several others indicated that it would be more appropriate first to focus on methodology issues and to have a public meeting on whether the measures that are used under the project are appropriate. We have put that data review process on hold for now, so that we could gather comments on the methodology. Once we go back and do that, we will re-evaluate how we are going to do data quality clean-up beyond what we have already done with the Regions and states.

EPA Follow-up: If I could add to that, there are processes in place with the EPA database managers for doing data quality assurance and data correction. Our commitment is to get a review of the databases and to make corrections when we are made aware of problems and to use the standing processes, which is to provide the input to the people who manage the databases to get them to make the corrections at that point.

Harriet Seymore (Amoco, Inc.): Will Fall 1997 be the release date for the hard copy of the SFIP database?

EPA: Yes. As one of the objectives is public access to the data, we would want to release the progress report, which includes the methodology as applied to the pilot sectors, and also the underlying database. That is why we are asking for comment on ways to format it, ways

to release it, (e.g., electronically), and also ways to ensure that it can be maintained and updated.

Ryan Clark (Natural Resources Defense Council): I have a question about your proposed Indicator 14 regarding pollutant releases and permit limits. Let me first say that this is a wonderful idea. It allows us to get precisely at a question that we often ask, which is how much pollution is a result of noncompliance? I am concerned that Option 3 compares all the exceedances over the permit limit to the total aggregated permit limit. I am concerned that because different parameters might be monitored, have different units or have very different allowable amounts, you might obfuscate critical parameters in the aggregation. What kind of procedures have you developed to fix that problem?

EPA: Option 1 will show whether individual violations occurred within the measurement period for each regulated parameter. For example, say in one month a facility was over its limit by 100 percent and the rest of the year it was under by, say 50 percent. In aggregate, that facility would probably look good over the year under Option 3 which is why it may be that we need to look at combinations of those two options. I am not the expert on how to index this but our expectation is that we are going to try to use what the watershed project is developing as the measure.

Bob Hurt (Kaiser Aluminum, Inc.): I have two questions. One relates to the categories or the grouping within sector. The category that is called primary nonferrous metals includes aluminum, copper, lead, and zinc. When we originally commented on the notebook in 1995, one of the various points we were trying to make is that this was a very broad grouping. The response we got at that time, as I recall, is that this is what it has to be. Is there some reason that you could not have a separate category for aluminum, copper, lead, and zinc? Otherwise, you are going to get very misleading information if you look at an individual aluminum facility and compare it with the average for the entire nonferrous metals sector. An aluminum facility, then, would only be compared to the aluminum overall group. I would definitely recommend that you consider doing that. The other question concerns the quality assurance. We have always had a problem that once a report gets into the public domain the correction may or may not show up within an acceptable time period. Is there any way that you could put some preliminary mechanism in there so that the industry would have an opportunity to comment on the data in the report before it was actually published in final form?

EPA: With respect to achieving high quality data, that is something that we are hoping to engage some of the panels on. We have heard that comment before, and we are trying to respond to the issue. We will be interested in getting comment on the impact of putting data of a known or varying quality out into the public domain. Thank you.

Topics for SFIP Public Meeting

The speakers were asked to specifically address the seven focus topics from the Federal Register (FR) Notice. These seven topics were:

Category 1 - Improving Public Access. How do you or your organization believe that EPA can best implement projects and policies to improve the public's ability to access facility-specific environmental data such as compliance records?

Category 2 - Sector Approach. Is it useful for you or your organization to have the ability to compare facility records across plants that manufacture similar products (sector-based presentation of data)?

Category 3 - Appropriate Indicators. Are the overall categories of information presented (compliance, chemical releases, toxicity, production/capacity, demographics) appropriate for facility-level profiling, and should other categories be added? Please refer to supplemental documents for a discussion of methodology used for these categories.

Category 4 - Alternative Indicators. Given that the project is constrained to currently available information, are there particular facets of the project that you or your organization think should be improved, modified or added, and what proposals do you have for these changes?

Category 5 - Longer-term Improvements. In the future, as EPA examines improvements to facility-profiling methodologies, are there any new categories or measurement techniques that should be considered that may require changes to existing data collection and management practices? Please provide details and an indication of whether your organization is willing to support collection or maintenance of this information?

Category 6 - Formats for Public Access. What format or formats are the most useful to your organization in terms of accessing facility-level environmental data (e.g., Internet standard reports, Internet searchable databases, written reports and tables, direct access into integrated databases...)?

Category 7 - Uses of SFIP data. If you or your organization plans to use the information contained within the project, what are the benefits of having this information and potential uses for you or your organization?

PANEL I

Lisa Kahn, Friends of the Earth

Ms. Kahn described Friends of the Earth as a national environmental organization which has worked closely with grassroots community and environmental organizations for the past 25 years. Friends of the Earth also coordinates with the Clean Steel Coalition (CSC), which is a coalition of national and community based environmental justice organizations, as well as people who work in steel mills. The CSC was created in 1995 when partners began participating in EPA's Common Sense Initiative (CSI) for the iron and steel sector. Ms. Kahn stated that Friends of the Earth commends EPA for initiating SFIP and assured the Agency that the public is very supportive of the project. Friends of the Earth believes that SFIP will help the public obtain the information needed to be better participants in decision-making processes at the state and local level. Friends of the Earth also commended EPA's decision to utilize a sector-based approach for the SFIP, and urged EPA to publicly release the SFIP data as soon as possible. Friends of the Earth would like to see public release of SFIP as soon as possible.

Friends of the Earth provided comments on five of the seven focus topics in the FR Notice:

Improving Public Access. Ms. Kahn stated that her organization feels that the SFIP makes it easier for the public to track down multi-media information about a particular facility. The integration of the data as presented in SFIP will help people discern what the important environmental issues are, and help them to compare their local facilities with other similar plants.

Sector Approach. Friends of the Earth supports EPA's decision to use a sector-based approach, and feels it is essential for SFIP. Ms. Kahn mentioned that her organization works with the Clean Steel Coalition (CSC) as part of its Common Sense Initiative (CSI). She stated that the CSC's goal is a cleaner domestic steel industry, and argued that the SFIP would allow the CSC to meet this vision by providing information with which to make comparisons; of releases per ton of steel and of mills within the two major segments of the steel industry (integrated mills versus mini-mills). Additionally, Friends of the Earth feels that the information contained in the SFIP will allow the public to compare facilities in their communities with those in other parts of the country, and thereby improve communication between the public and industry.

Appropriate Indicators. Friends of the Earth stated that the toxicity-weighted TRI pollutant releases are of great value in informing the public about particular chemical releases at a facility. An example was given of the total volume of ammonia (6 million pounds), with a toxicity-weighting of 100, which was released to the air by steel mills in 1993. Ms. Kahn stated that even though this volume seems large when compared to the 1 million pounds of manganese released by steel mills in the same year, the toxicity-weighting helps to put potential hazard concerns in perspective, since manganese has a toxicity-weight which is 1,000 times greater than ammonia.

Alternative Indicators. Friends of the Earth suggested several additional indicators which the organization feels could be added to SFIP. First, Friends of the Earth thinks it is valuable to have information on the enforcement and compliance issues, but that its work has found that EPA's databases lack adequate data on enforcement actions taken by state and other local agencies. Therefore, Friends of the Earth suggests that EPA should make a high priority of gathering enforcement and compliance data from state and other local agencies. In addition, Friends of the Earth feels that presenting monthly (instead of quarterly) compliance data would be more useful.

Second, Friends of the Earth feels that it would be useful to include information on the status of the environment in which a facility is located. As examples, Ms. Kahn suggested including information on whether a facility is in an attainment or non-attainment area (this determination is related to ambient air quality), or if it is discharging to a stream. Friends of the Earth thinks that inclusion of this type of information will enhance the public's ability to make facility comparisons.

Third, information on the frequency of a facility's emissions monitoring activities should be added to SFIP according to Friends of the Earth. As SFIP currently stands, it is difficult to get an idea of how often different facilities are monitoring (or estimating) their stack emissions. Having this information will provide a better picture of 1) the accuracy of the emissions data, and 2) a facility's compliance with environmental regulations.

Fourth, Friends of the Earth would like EPA to include data from its AIRS database, which includes NO_x, SO_x, Volatile Organic Compounds (VOCs), and other air emissions data into SFIP in order to provide a more complete picture of a facility's or industry's emissions.

Fifth, Friends of the Earth suggested EPA expand types of weighting systems in SFIP to account for ecological toxicity of water releases.

Finally, Friends of the Earth stressed that EPA must include data on off-site transfers, (not just on-site releases), and total waste generated (Section 8 of TRI Reporting Form R) per ton of production in SFIP. Friends of the Earth feels that these measures can characterize a facility's potential to reduce generation of waste in the production process, and will point out those facilities which are handling their wastes on-site, rather than shipping it off to another community.

Longer-term Improvements. The Friends of the Earth representative suggested that EPA expand information in SFIP on inspections and compliance to five years and not just two years as it is now. The group also requested that the data be updated and not be wiped out after two years.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Additional Issues

None.

Lois Epstein, Environmental Defense Fund

According to Ms. Epstein, the Environmental Defense Fund (EDF) is a non-profit research and advocacy organization, with over 300,000 members nationwide made up of scientists, engineers, attorneys and economists. EDF is actively involved with right to know issues, and their staff uses EPA and other databases in their research and advocacy efforts. The representative from EDF expressed strong support for the SFIP and its sector-based approach. Ms. Epstein conveyed that for many years the public has wanted access to a streamlined database for facility comparisons on a sector by sector basis. EDF stressed that a sector approach and the project's inherent multi-media nature promotes pollution prevention.

EDF provided comments on five of the seven focus topics in the FR Notice:

Improving Public Access. No comments.

Sector Approach. EDF commended EPA on its sector-based approach for the SFIP and said that it is important to know all the Standard Industrial Classification (SIC) codes for a facility (not just the primary SIC code) to aid the public in making accurate facility comparisons.

Appropriate Indicators. Ms. Epstein stated that her organization uses EPA data and is pleased that the SFIP presents production and facility capacity data for normalizing purposes, as this is useful for making comparisons among facilities in certain sectors. She stated that this type of information could be used to identify causes of facility differences in terms of environmental issues facing them, and would help to identify pollution prevention opportunities.

EDF supports the inclusion of toxicity-weights in SFIP as it enables EDF to make more accurate facility comparisons, based on a scale of the relative hazard that the facility imposes on a community.

Finally, EDF applauded EPA's inclusion of demographic statistics in the SFIP because it will help organizations such as EDF and the public to identify industrial sectors and facilities where there might be significant environmental justice and dense population concerns.

Alternative Indicators. EDF made several suggestions regarding additional indicators that the organization would like EPA to include in SFIP. First, EDF urged EPA to add data on facilities' total production waste as reported in Sections 8.1 to 8.7 of the TRI

Form R. EDF feels that adding this information will help to promote source reduction -- the highest rung on the waste management hierarchy.

Second, EDF would like to see facility-level data from OSHA and Bureau of Labor on worker injuries and fatalities and the environmental or safety causes for these events, as well as statistics on the number of workers at a facility.

Third, EDF would like EPA to incorporate eco-toxicity and fish kill data from EPA's Emergency Response and Notification System (ERNS) and any other relevant databases into SFIP.

Finally, EDF would like to see NO_x, SO_x, Volatile Organic Compounds (VOCs), and other air emissions data from EPA's AIRS database in SFIP once these data are normalized.

Longer-term Improvements. None recommended.

Formats for Public Access. EDF acknowledged that it knows that some of the data in SFIP may not be completely accurate but stressed that getting the information out to the public is the best and fastest way to get feedback from facilities in identifying inaccuracies in the data, as well as insuring that these inaccuracies are rapidly corrected.

Uses of SFIP data. The Ms. Epstein stated that her organization would use data presented in SFIP to make facility comparisons, identify opportunities for pollution prevention, and identify communities with environmental justice issues.

EDF believes SFIP gives the EPA and the public an opportunity to compare states' performances. SFIP could be used to compare similar facilities in different states and therefore give an indication of the states' performance (in terms of number of inspections versus enforcement actions). Ms. Epstein presented a chart from an EDF study entitled "*Ranking Refineries: What do we know about oil refinery pollution from right to know data?"*which ranked petroleum refineries in different states in terms of waste per barrel refined. EDF used the study to compare states with poorly performing refineries to states with the best performing refineries. Ms. Epstein stated that in the more poorly performing states, the refineries were exempt from certain air regulations, whereas in one of the better performing states, refineries were subject to materials accounting regulations. EDF asserted that as more regulatory power is transferred to the states, additional policy research is needed to identify these types of differences among states. According to EDF, SFIP provides this type of information.

Additional Issues

None.

NOTE: EDF stated that it will also provide additional written comments to the Docket addressing these issues.

Ryan Clark, Natural Resources Defense Council

Mr. Clark stated that the Natural Resources Defense Council (NRDC) is a national public interest environmental group. NRDC consists of environmental scientists and attorneys and has over 400,000 members from every state in the United States. NRDC applauded EPA for building a successful strategy of community right to know, providing better information to the public and establishing a multi-media structure for the SFIP. NRDC stated that any single database is insufficient for evaluating the environmental situation at a specific location or facility. The NRDC representative encouraged the EPA to link more of its databases into SFIP. The NRDC presentation concentrated on the uses and possible improvements to SFIP. NRDC urged the EPA to link more sources of information, improve data quality, and release the SFIP to the public as soon as possible.

NRDC provided comments on three of the seven focus topics in the FR Notice:

Improving Public Access. No comments.

Sector Approach. NRDC stated that the sector approach in SFIP helps environmental groups identify which facilities and industries should be their highest environmental priorities. NRDC stressed that the sector approach is essential since it allows users to normalize releases and waste information by capacity. Mr. Clark gave an example where SFIP would have been useful to NRDC's pollution prevention efforts. In the example, one of two facilities NRDC visited had large emissions and NRDC did not know whether this was because it was simply the larger facility or whether it had poor pollution control technologies. NRDC found that in fact the smaller of the two facilities was exempt from certain regulations. Mr. Clark pointed out that in current TRI data, there is no way of uncovering this difference but that SFIP does identify these types of differences.

Appropriate Indicators. Mr. Clark highlighted some of the indicators in SFIP by commenting on how each of them are useful to EPA, the public and environmental groups. (Refer to "**Uses of SFIP data.**" section below.)

Alternative Indicators. NRDC suggested that EPA include facility waste information (from TRI reporting) prior to treatment as this will help facilities focus on operations where developing pollution prevention options might be useful.

Second, NRDC would like AIRS database statistics such as NO_x, SO_x, ozone data, Volatile Organic Compounds (VOCs) etc., to be included in SFIP in order to gain a more complete picture of a facility's environmental profile.

Third, NRDC wants EPA to improve the PCS data (under the Clean Water Act) included in SFIP, and stated that currently states do not report releases of so called 'minor' facilities. However, Mr. Clark pointed out these smaller facilities may have greater toxic releases than larger facilities, and these should be shown in SFIP.

Fourth, Mr. Clark stated that the NRDC would like information on worker safety (injuries and fatalities) from OSHA and Bureau of Labor to be included in SFIP.

Fifth, NRDC would like to see data on accidental releases from EPA's Emergency Response and Notification System (ERNS) and Section 8.8 of TRI Form R to be included in SFIP.

Finally, the NRDC representative noted that as SFIP currently stands, it is unclear whether underground injection data are included in the SFIP release data. Mr. Clark stressed that EPA should include underground injection data if such information is currently not in SFIP.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP data. NRDC broke down the uses of SFIP into two areas -- uses for EPA itself and uses for NRDC and other organizations like it. First, Mr. Clark stressed that EPA should use SFIP data to identify facilities or industries for its own pollution reduction efforts.

Second, NRDC stated that EPA should and can use SFIP to prioritize its efforts across the board, including but not limited to, enforcement efforts, regulatory development timetables, allocation of environmental research money, pollution prevention efforts, and improved technology standards.

Mr. Clark then went on to highlight the uses of SFIP for the public and environmental groups such as NRDC. First, he stated that the public living near industrial facilities need the information in SFIP to answer questions such as what pollutants are in their neighborhood, or whether facilities in their areas are complying with environmental regulations.

SFIP data would also be used by environmental groups in helping them compare facilities and industries, set long-term priorities and courses of action, structure policy goals, and identify where to focus citizen enforcement suits. Mr. Clark elaborated that SFIP as a whole allows environmental groups and the public to answer whether the nation as a whole is moving toward sustainability.

Additional Issues

None.

NOTE: NRDC stated that is will submit additional written comments to the Docket addressing these issues.

Question and Answer Session for Panel I

EPA Question: Should we wait to go public with SFIP until accuracy of data and context of the existing data can be improved?

Friends of the Earth Response: There are some data quality problems in SFIP, but it would be much more feasible to put the data out and have the facilities make sure that the data are correct. SFIP is a valuable project that should go ahead and it can certainly be updated and enhanced in the years to come, just like TRI. I suggest that you release it now and improve it as more information becomes available.

EDF Response: All EPA databases are a picture of a moment in time, so there are always going to be data quality issues -- ideally these are minimal. Since the vast majority of SFIP data are self reported, it should be put out to the public now along with all its caveats. In addition, EPA should make it clear to the public that this is a first round, and a date should be set so that facilities can come forward and correct any faulty data. If, however, the errors are in the state or EPA databases, then the public release will provide those governments the incentive to make all necessary corrections as rapidly as possible. I would be reluctant to hold the project up for a year, but a few months is acceptable.

NRDC Response: To get a complete picture of a facility you need to go and visit it, but the SFIP is impressive with the number of indicators it has already. It is a useful screening tool to identify what you need to know and learn. The best way to identify data problems and correct them quickly is to release SFIP, with appropriate caveats and concerns (similar to the way that TRI is released each year).

EPA Question: You don't think there would be any irreparable harm if inaccurate information about a facility is released?

NRDC Response: If it is made clear to the public that the data will be updated and that EPA recognizes some data quality problems, the public will listen and will expect changes.

EDF Response: Let me give you a refinery example. One of the facilities with poor performance which I mentioned earlier was written up in a local paper. This exposure allowed the facility to make the corrections, and they found that the normalizing procedure they had used did not take into account a unique process in their plant. I cannot promise that

some newspaper will not take the data in SFIP as an absolute, but release to the public leads to a dialogue with communities, and the information gets corrected.

PANEL II

Nancy Newkirk, Compliance Management and Policy Group

On behalf of the Compliance Management Policy Group (CMPG), Ms. Newkirk stated that CMPG is an ad hoc coalition of industry representatives from the American Petroleum Institute, the American Forest and Paper Association, the Chemical Manufacturers Association, Browning Ferris Industries, Inc., General Electric and the American Automobile Manufacturers Association (which is an affiliate to CMPG on issues of new measures of enforcement success). CMPG commended EPA for allowing the public to comment on the development of SFIP. However, CMPG has several problems with the way SFIP measures a facility's compliance status and therefore urged EPA to delay releasing the project to the public. CMPG also encouraged EPA to be mindful of the concept of "information stewardship" and to present accurate data in SFIP. CMPG feels that the more appropriate forum for measuring facility compliance is through EPA's National Performance Measurement Strategy (NPM Strategy). Ms. Newkirk commented that her organization feels that the measurement of overall compliance status in SFIP does not illustrate the complexity of compliance issues faced by a facility. A chart showing this complexity and number of "compliance obligations" at a petroleum refinery was distributed by Ms. Newkirk at the Public Meeting.

CMPG provided comments on two of the seven focus topics in the FR Notice:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. CMPG feels that the NPM Strategy is the appropriate forum to address improvement in measurement of a facility's compliance status, and that SFIP results in overlapping efforts and undermines the work being done on the NPM Strategy. The presenter stated that CMPG has serious problems with the way a facility's compliance status is measured under SFIP and as a result, recommends that EPA delay release of SFIP until the NPM Strategy is finished in the fall. First, CMPG expressed concern that SFIP's compliance characterizations do not increase the public's understanding of a facility's environmental record. Ms. Newkirk said that SFIP does not distinguish between a well-run complex facility with numerous regulatory obligations, and a smaller, less complex facility which may have fewer obligations or fewer inspections. CMPG also mentioned that the compliance measurement in SFIP does not differentiate between notices of violations and actual violations and thus gives an impression of greater noncompliance at a facility. In addition, CMPG asserted that the compliance profiles presented in SFIP do not distinguish between minor paperwork violations and serious violations, do not reflect the duration of noncompliance, and do not exclude compliance problems for which no enforcement action was taken.

Alternative Indicators. CMPG thinks that EPA currently has the data necessary to present facility profiles that are more accurate and meaningful representations of a facility's compliance history. These include measures of the nature and severity of noncompliance -- this would mean distinguishing between a minor paperwork violation and a more serious violation. CMPG suggested that EPA establish a method to classify noncompliance events based on their impact and the company's degree of culpability. Additionally, CMPG suggested that including a record of instances of noncompliance which are self-reported, as well as a facility's actions to return to compliance would make the facility profiles in SFIP more meaningful.

CMPG stressed that the presentation of compliance rates in SFIP is too simplistic and does not reflect the complexity of regulations and compliance actions faced by a facility. To illustrate the nature of the complexity of compliance obligations faced by a facility, the CMPG presenter distributed a chart showing the various regulations and total overall compliance obligations (over 500,000) faced by a medium sized refinery. CMPG stated that SFIP compliance measures should reflect this complexity.

CMPG recommended including a list of the major environmental regulations affecting a facility in the facility profiles, as well an indicator that measures the complexity of these regulations. CMPG suggested a complexity scale of high, medium and low based on factors such as technological feasibility, complexity of the rule, burdensomeness of the regulation, number of regulatory schemes that apply to the facility and the number of monitoring, and reporting requirements for the facility.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Additional Issues

CMPG stressed that when EPA does release SFIP to the public, it should consider the concept of "information stewardship." Ms. Newkirk encouraged EPA to release accurate information and to attach all the necessary caveats with the data. CMPG feels that SFIP's methods of laying out information is simplistic and misleading and that unless EPA adopts the "information stewardship" concept, the public and state and federal enforcement resources will be diverted from areas of real enforcement concern. CMPG stated that this type of misinformed action could have financial consequences for a facility's ability to be bought and sold, and to obtain financing.

NOTE: CMPG circulated a chart at the SFIP Public Meeting which was submitted to the Docket.

Mark Greenwood, Coalition for Effective Environmental Information

Mr. Greenwood described the Coalition for Effective Environmental Information (CEEI) as an organization of companies and associations from various industries including electronics, pharmaceuticals, forest products, chemicals, petroleum, consumer products and transportation. CEEI applauded EPA for opening up the SFIP review process to the public and acknowledges that the public's right to know is a basic tenet of environmental protection. However, CEEI is concerned about how information is collected, used, and disseminated, and urged EPA to look beyond the immediate SFIP project to all of EPA's Reinvention initiatives.

While commenting on one of the seven focus topics in the FR Notice, CEEI concentrated on broader issues relating to SFIP -- stakeholder involvement, integration with other EPA projects and information stewardship.

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. None recommended.

Alternative Indicators. None recommended.

Longer-term Improvements. Mr. Greenwood stated that SFIP is a powerful tool and that it is therefore very important to have stakeholder involvement during the review process and after SFIP is released. CEEI commended EPA in allowing the public and other interested stakeholders to comment on SFIP, but stated that up to this point (Public Meeting), people did not know exactly what was involved in SFIP and this has led to controversy over the project. CEEI urged EPA to continue to involve stakeholders in further review processes before and after SFIP is released.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Additional Issues

CEEI stated that there are many information initiatives, linked databases and software tools being put out by the Agency. Unless SFIP is integrated with these other EPA initiatives, and unless it is made clear how SFIP relates to these initiatives, it will be confusing for the public to know where to go to obtain needed information.

CEEI asserted that much of the information in SFIP is duplicative of that available from other EPA programs. It is, therefore, crucial for SFIP to be integrated with other EPA efforts. CEEI presented several examples where it feels SFIP is duplicative. CEEI stated that EPA's ENVIROFACTS, which includes many of the databases that are in SFIP, is

on-line now. Even though the toxicity-weights in SFIP is a new idea, CEEI thinks it is unclear how it relates to other activities, on hazard characterization within the Agency. CEEI said that much of the emissions data presented in SFIP is already available through ENVIROFACTS, and this source also links emissions data to various information sources on chemical hazards. Mr. Greenwood also mentioned that IRIS data is available from OPPT Fact Sheets software, ATSDR and other databases from the University of Utah and the University of Virginia, which are also available on-line. CEEI also feels that manipulating TRI data in terms of production and production capacity in SFIP is duplicative because there is already a production index in Section 8 of TRI Form R.

Much of the demographic information presented in SFIP is available in the EPA software tool LANDVIEW. Additionally, the program Maps-on-Demand, which is currently on the Internet, also has much of this data.

In stating that even though it makes sense that the enforcement data in SFIP originate from OECA, CEEI urged OECA to assess how this information links to other data that is already in ENVIROFACTS, and in general how SFIP ties in with the Agency's overall integration efforts. CEEI mentioned that EPA's "Facility Identification Initiative" (FII) is an effort to integrate EPA's databases, but that at another public meeting, EPA stated that this integration effort would focus integration on databases at the state level. CEEI argued that SFIP will create conflicts with what EPA has previously said because SFIP is an integration effort at the Headquarters level.

Finally, CEEI encouraged EPA to incorporate the concept of "information stewardship" when releasing SFIP. CEEI explained that this means that EPA should accurately portray the environmental conditions and data quality (strengths and weaknesses) of SFIP, and should communicate the significance of the information by providing users with guidance and context for SFIP information. CEEI urged EPA to not release SFIP if it means releasing information that would cause defamation and that would reveal legitimate trade secrets of a facility or sector. CEEI also explained that "information stewardship" would require EPA to provide information so that the public understands the significance of the data being disclosed, the basis or judgements needed to interpret what the data mean, and the goals of the project -- what people should focus on (e.g., compliance status and index, aggregate releases, hazard index or demographics).

Once SFIP is released, CEEI also encouraged EPA to make efforts to study how the public is using the SFIP information. CEEI suggested that EPA initiate a trial run for SFIP to see how people perceive the SFIP charts and whether they understand them. CEEI also encouraged EPA to engage states and companies in reviewing the data before SFIP is released in order to correct inaccuracies that SFIP is currently faced with.

NOTE: CEEI stated that it will provide additional written comments to the Docket addressing these issues.

Question and Answer Session for Panel II

EPA Question: Regarding the various data resources that are currently available, is there one source that you feel successfully integrates data on a facility basis across all media?

CEEI Response: What you have is a process to try to do that. You have ENVIROFACTS and others, but they are not integrated. The problem is to find a way to describe facilities so that people can link them. This is what I understand the "Facility Identification Initiative" will do. With Maps-on-Demand you are able to portray the information visually in a way that is very powerful. Our main point is that you already have these things in place, and they are far along. Our hope is that SFIP does not create a whole new separate activity without knowing where it fits in.

EPA Follow-up: We all know that re-tooling databases is a very long-term activity. Our hope is to release the data that we have now, appropriately caveated, in a way that would make it useful. Waiting for links to ENVIROFACTS, or FII would mean a much longer time frame. What are the pros and cons of releasing SFIP now versus waiting longer? Also, with respect to these other data systems, one aspect that we are adding definitely is the enforcement and compliance data, which is not linked through these other databases at this time.

CEEI Response: The point I would add is that ENVIROFACTS has most of the information on emissions already and people can get to it now. Unless the value added by SFIP is that you are going to integrate, which you are not doing at this point, you are trying to do much more with this tool (SFIP). Something to think about is adding the enforcement information to ENVIROFACTS. As you are also trying to include hazard information it becomes complex and difficult to figure out what SFIP's message is.

CMPG Response: I do not know the databases, but with regard to the compliance information, there is a sense of dueling information systems, particularly with the excellent exercise in the NPM Strategy, which we hope will lead to positive results and give credit to both EPA and industry efforts. To go out six months ahead of the NPM Strategy, with data that has problems and which does not show a balanced view of the efforts that have been made to address these issues, creates a big problem. It is not clear why SFIP cannot be held until the NPM Strategy is completed.

EPA Follow-up: It is important to distinguish the two efforts and to keep in mind that SFIP is an analytical tool and the NPM Strategy is a longer term effort to re-tool our accountability and measurement systems for the enforcement and compliance program. I think they come together in the data that are used, and future data collection that the NPM Strategy may allow the Agency to embark on -- this would ultimately affect what data we have to do sector analysis. We think there are differences in being able to analyze current compliance and enforcement performance as opposed to designing a longer term program for measuring accomplishments and accountability of the Agency and state enforcement and compliance

programs. It is important to keep in mind these real differences. OECA is making efforts to make sure these two projects are not dueling.

EPA Question: I have a question about the half million points of compliance approach. Are you asking us to assume that where we have not identified a violation through an inspection, or where facilities have not taken it upon themselves to report the violation, they are in compliance? We did some inspections in refineries, since you used that example, through NEIC and we found widespread noncompliance with leak detection requirements during the inspections, and found that the emissions we recorded were substantially higher than the emissions reported by those refineries. Since we cannot inspect everybody, should we assume that we have that level of noncompliance in other refineries for all those uninspected compliance obligations? Could you expand upon what the consideration of a large number of compliance obligations will give us other than a fairly distorted picture of actual level of compliance?

CMPG Response: The chart was provided to EPA recently in the context of the NPM Strategy, and that is the context in which we prepared it. I personally was astounded at the totals, as were the people who put it together, to find how many compliance obligations there are. One of the things we want to do is engage in a dialogue with EPA on the NPM Strategy issues and to talk about what insights to draw from this chart. By providing it at this point we are trying to show you that it is a very complex field. I do not think it is appropriate to assume that everybody is in compliance all the way through these points, or to assume that they are out of compliance. I really cannot answer at this point about the extrapolation issue, but the chart shows that these facilities are very complex and there is a lot going on -- a variety of obligations, regulatory requirements, etc.

EPA Follow-up: To restate this point, you are not saying that EPA should assume compliance unless we discover the violations ourselves through an inspection? My point is we inspect for very few of those obligations, so what about the ones we never see?

CMPG Response: The chart is here as an indicator of complexity, not as a denominator.

EPA Response: Not as a suggested compliance measure?

CMPG Response: Correct. I think there is something we can do with that kind of information in terms of measurements.

EPA Follow-up: To follow-up on that, was the chart put together based on information that EPA collects now, or through consultation with individual facilities? If we did want to move along this line, to take a look at obligations, if we see that it is not something we collect, is that something facilities are willing to provide?

CMPG Response: As far as I am aware it was put together by a team of people who are familiar with the refineries. If you have an opportunity to read the two pages on top, it tells you quite clearly what the parameters are. I think a lot of the information is not reported to

EPA, but they are requirements that are in place that facilities need to comply with. In terms of creating new reporting requirements, I do not think companies would want to have to deal with new requirements. The chart is just a listing of the number and kind of compliance obligations out there.

EPA Follow-up: How could we present that in a public manner such as the SFIP?

CMPG Response: We were trying to respond to your question of what do we now know, what is being measured now, how can it be added to the picture. At the very least you could say something like "highly complex, medium and low." We can certainly come up with more sophisticated ways of characterizing compliance obligations and a lot more fine tuning.

EPA Question: So you would say that might be akin to production as an indicator of size?

CMPG Response: The nature of the complexity of the facilities, yes.

EPA Follow-up: Is there someplace that we could get self-disclosure events as another indicator as opposed to the discussion EPA may have with industry in the NPM dialogue?

CMPG Response: The self-policing policy, since there are companies that do self-disclose.

EPA Follow-up: I don't think this provides us with an existing reliable data source. We do collect and could incorporate that information, but are there other more informal self-disclosure efforts?

CMPG Response: I am not aware of any database in which EPA collects this information.

PANEL III

Jo Cooper, American Forest and Paper Association

Ms. Cooper stated that the American Forest and Paper Association (AF&PA or Association) is a trade organization with over 1,500 companies and organizations. AF&PA agreed with the EPA that information should be available and accessible to the public on environmental matters. However, the Association stated that the execution of SFIP was terribly flawed and that SFIP would mislead and misinform the public, damage U.S. companies, and add to the data burden of states. AF&PA stated that EPA must ensure that it can identify the universe of regulated facilities, that its facility-specific data are accurate and are presented in a meaningful way to avoid misinterpretation, and that its methodologies used to manipulate facility data meet rigorous standards. Furthermore, AF&PA stated that SFIP would undercut progress to the Facility Identifiers project, as well as the National Performance Measurements and Toxic Release Indicators initiatives. The Association believes that these initiatives are more appropriate venues for assessing environmental progress and felt that the "Reinventing Environmental Regulation" report is causing EPA to release flawed data.

AF&PA provided comments on five of the seven focus topics listed in the FR Notice:

Improving Public Access. AF&PA shared EPA's interest that the public should have access to meaningful, accurate, and understandable information on environmental matters. AF&PA urged EPA to ensure that all facility-specific data intended to be released to the public, including the format of the presentation, undergo intensive quality assurance and quality control procedures. The Association was concerned that OECA was pursuing SFIP before the Facility Identifiers initiative was completed.

Sector Approach. The Association believes that making meaningful comparisons among facilities within the same industry is extremely difficult because facilities vary based on the raw materials used, the products manufactured, the processes used, and the size of the facility. AF&PA recommended that EPA first focus on ensuring the identification of the regulated facility universe (working with OPPT), increasing the accuracy of facility-specific data, and making sure EPA databases can be effectively integrated before considering facility comparisons.

Appropriate Indicators. AF&PA mentioned that the juxtaposition of measurement categories in SFIP is misleading. For example, juxtaposing TRI data with noncompliance data implies some relationship between TRI releases permitted by EPA and the states and noncompliance. The Association added that placing population information near the hazard ranking category creates the impression that EPA is presenting information regarding risk, even though it is not. AF&PA also mentioned that the Agency is proceeding with using toxicity-weights taken from the Hazard Ranking System (HRS), replete with technical deficiencies, rather than waiting for the development of the TRI Indicator Model. The Association believes that EPA should revisit the issue of using toxicity-weights from the HRS. The Association also believes that SFIP compliance

methodology is inconsistent with and undercuts NPM efforts. AF&PA mentioned that EPA makes no attempt to account for the total number of environmental requirements applicable to the facility or the complexity of those regulations. The Association also mentioned that compliance indicators do not give an idea of the duration of noncompliance events and the complexity of facilities' compliance obligations. In addition, the Association mentioned that the compliance indicators do not account for manufacturers' efforts to assure compliance with requirements and correct instances of noncompliance, nor do they distinguish "paperwork" violations versus noncompliance events that result in actual environmental harm. The AF&PA stated that EPA should abandon SFIP's compliance rating and hazard ranking methodologies.

Alternative Indicators. None recommended.

Longer-term Improvements. AF&PA believes that many in industry would support changes in data collection that would lead to improvements in EPA's compliance measurement efforts. However, the group stated that EPA should not add to the already substantial reporting burden of the regulated community without first ensuring that it is making the best use of information it has at hand.

Formats for Public Access. None recommended.

Uses of SFIP Data. AF&PA mentioned that EPA should understand that the SFIP data will be used by organizations that have the ability to affect the financial future of the profiled facilities.

Additional Issues

None.

NOTE: AF&PA circulated its prepared statement at the SFIP Public Meeting, which was submitted to the Docket, and stated that the Association will also provide additional written comments to the Docket addressing specific alternatives to enhance the SFIP data set.

Question and Answer Session for Panel III

EPA Question: One of SFIP's objectives is to make sure we have a reliable and good universe of facilities in each sector. We are interested in understanding what more you think needs to be done in this area.

AF&PA: Regarding the pulp industry, EPA identified facilities by doing a word search on facility name and estimated more than 200 mills. Our industry data show that there are far fewer than that. Our organization believes EPA needs to better understand which facilities to include in the database.

EPA: Regarding how we came up with our universes, we used vendor directories to check if facilities had pulp equipment and we double checked this data against data submitted to EPA from facilities under the integrated pulp and paper rule. We did not use a word search in a database to come up with our universe. In general, we are not too far off.

EPA Question: We have heard from a couple of speakers about the importance of reviewing the data. EPA has provided opportunities for industry to review the data. In fact, an opportunity was offered last winter, but was not taken up since industry wanted to first debate the methodology. What should the process be to get industry input in identifying facilities in appropriate categories?

AF&PA Response: I am not aware of our refusal to perform quality assurance on the data. We have wanted to review all the way along. I do believe the methodology, data, and format have to be good and subject to peer review. The question is, will review occur on a regular basis as additional data are added to the system? Review is fine, but how can we be sure that data inaccuracies are corrected if submitted by our industries?

EPA Question: To the extent that EPA's systems do not reflect enforcement actions that your records show have been taken, would you be willing to correct our data to add the full record of enforcement actions taken against your facilities?

AF&PA Response: Yes. I believe our facilities would share, but I am concerned over the context in which such information is presented in SFIP. We want fair and accurate representation. We believe our record is pretty good.

EPA Question: In terms of alternative compliance indicators, we have included historical noncompliance and significant noncompliance data. Is there anything EPA can add to enhance the data set?

AF&PA Response: We will provide specific alternatives in our written comments. Some of these alternatives were also mentioned by the Compliance Management and Policy Group.

EPA Question: In terms of continuing accuracy of data, do you have any proposals for EPA, state, and local agencies to make sure the data are up-to-date and accurate?

AF&PA Response: Databases are developed from information passed from the facility to the state to the EPA Regions to EPA Headquarters. The data get moved, compiled, changed, and makes it hard to figure out where the original error was made. It is an issue for you all and for us. If data get out to the public, you cannot get the genie back into the bottle. Is it our burden or the receiving agencies'? I think a group could work through this issue because I think we basically all want the same thing - to have accurate data that can be effectively interpreted and to not mislead the public.

PANEL IV

Christina Bechak, Steel Manufacturers Association

Ms. Bechak described the Steel Manufacturers Association (SMA or Association) as a trade organization with the majority of member companies being engaged in electric arc furnace or continuous steel production, as well as hot and cold rolling of steel mill products. SMA stated its support for public policies that increase environmental protection and foster competitiveness of industries, and believes that these two goals do not have to be exclusive. In its presentation, SMA called on EPA and the Administration to regulate with common sense, good data, and sound science. The Association stated that SFIP would provide misleading data to citizens and ignore serious polluters in other industries. While Ms. Bechak said that SMA supports the public's right to know regarding facilities' compliance records, the Association does not support the propagation of misleading information that does not accurately reflect facilities' impact on the environment.

SMA provided comments on five of the seven focus topics listed in the FR Notice:

Improving Public Access. SMA stated its support for the public's right to know about the compliance records of manufacturing facilities. However, the Association emphasized that the release of flawed data regarding the environmental records of facilities would result in lawsuits and negative publicity engendering serious financial consequences for companies.

Sector Approach. No comments.

Appropriate Indicators. SMA stated that steel manufacturers, as the biggest recyclers in the country, recycled over 42 million tons of steel scrap into new steel and saved six trillion BTUs of energy last year, and thus provided environmental benefits from the reduction in pollution from energy generation. SMA expressed concern that SFIP indicators do not accurately reflect the environmental records of facilities and exclude benefits gained when facilities save energy. The SMA representative cited a case involving Northwestern Steel and Wire, an electric arc furnace steel facility, which recycled over two million tons of steel per year. The Association stated that this facility was listed on the Top 10 TRI Releases Table because it landfilled baghouse dust (even though this waste was stabilized using an EPA-approved method). SMA ended this topic by pointing out that TRI does not capture the energy input for facilities.

The Association also voiced concern over the use of the Hazard Ranking System as a toxicity-weighting model for TRI releases since the model was developed under Superfund. SMA recommended that EPA use a different methodology that accounts for other factors associated with risk, such as the exposure pathway of releases. SMA stated that reporting TRI data along with enforcement data implies that there is a causal relationship between the compliance data and the risk to the environment, even if the TRI data are not intended to represent risk. Furthermore, SMA believes that the presentation

of TRI data in SFIP does not reflect the fact that these releases are permitted under the law.

SMA believes that reporting on demographics is misleading and should not be included in the project. The Association mentioned that the listing of data regarding the number of minorities or low-income residents has no relation with compliance or noncompliance. While SMA realizes that environmental justice needs to be addressed and that a disproportionate number of minorities and low-income residents live in areas where they are exposed to higher levels of toxics than the rest of the population, SMA believes the EPA model is too simplistic and will lead people to draw incorrect conclusions.

SMA mentioned that the SFIP compliance indicators are calculated on a quarterly basis and encouraged EPA to use a shorter period. The Association stated that quarterly compliance indicators do not differentiate between minor violations fixed in a few days and more serious violations lasting three months, nor does it distinguish between paperwork violations and more serious violations, such as spills.

Alternative Indicators. None recommended.

Longer-term Improvements. SMA suggested that SFIP include all manufacturing facilities over a certain size across all industries. The Association stated that the selection of five industry sectors for SFIP gives them a black eye.

Formats for Public Access. While SMA understands that EPA wants the data available in an easy format for the layperson, SMA is concerned that the juxtaposition of demographics and compliance data will mislead the public. SMA's discussion on this issue is summarized in the Appropriate Indicators section.

Uses of SFIP Data. The Association also expressed concern over the SFIP data being used for reasons other than those intended. Because SFIP data do not consider duration and severity of violations, SMA believes that facility rankings within a sector will be used incorrectly by EPA and citizens in bringing enforcement actions and lawsuits against facilities. Since some urban companies bring money and jobs to their communities and have good environmental records, SMA believes that it does not make sense to encourage public opposition and enforcement actions against these facilities.

Additional Issues

None.

Chet Thompson, Specialty Steel Industry of North America

According to Chet Thompson, Specialty Steel Industry of North America (SSINA) represents 19 North American mills and 90 percent of the specialty steel production in the U.S. SSINA

stated its commitment to environmental protection and programs that improve environmental compliance and the public's understanding of environmental issues and risk. However, Mr. Thompson commented that SSINA has serious concerns regarding the proposed structure of and methodologies used in SFIP and cannot support the project at this time. SSINA believes that SFIP strays from the mission statement in the Reinvention project: using risk-based enforcement to target enforcement on facilities posing the most serious threats to the environment and the public. SSINA believes that SFIP uses flawed methodologies that would provide inaccurate compliance and enforcement data to the public, inappropriately arrays data, inappropriately uses TRI and Superfund data to develop toxicity-weighted values, overestimates noncompliance, and unfairly stigmatizes facilities by portraying exposure risks for populations living near facilities. SSINA also believes that SFIP will only confuse and mislead the public and require affected facilities and state agencies to spend limited resources dealing with a public relations nightmare.

SSINA provided comments on three of the seven focus topics listed in the FR Notice:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. SSINA claimed that none of the SFIP indicators accurately depict risk to the environment and human health and that SFIP will not be used to help state programs set priorities or enable the public to track progress and compare facilities.

Mr. Thompson expressed concern that compliance indicators do not reflect the type and duration of violations (paperwork versus more serious noncompliance events). SSINA believes that the nature of violations needs to be identified. SSINA stated that SFIP fails to identify the total number of compliance requirements that a facility must meet during any one quarter. After collecting data for seven facilities, SSINA found that facilities were in compliance 99.61 percent of the time with applicable NPDES requirements. However, Mr. Thompson stated that if the 21 exceedences that were found were distributed throughout a two year period, SFIP would portray the facilities as being seriously out of compliance 100 percent of the time. SSINA stated that EPA should abandon this “one-dimensional” way of characterizing compliance.

SSINA also stated that TRI data are estimates of releases and do not account for a chemical’s valence state, solubility, or the bioavailability of individual metal compounds. Mr. Thompson stated that the release of stainless steel is relatively benign but would be reported in TRI as the release of 18 percent chromium and eight percent nickel. SSINA pointed out that not all TRI releases pose an environmental threat but that this is not reflected in SFIP.

SSINA also believes that the TRI releases/production ratio indicator is misleading. According to Mr. Thompson, SSINA believes that this ratio would not account for variations in TRI emissions from facility to facility that are not related to environmental

efficiency, and that EPA's approach is disadvantageous to smaller facilities. SSINA stated that the comparison of TRI releases/production ratios between facilities would not be appropriate, since it would not account for the use of different materials, processes, and products among facilities.

Alternative Indicators. During the Question and Answer Session (following), SSINA suggested adding information from Title V of the Clean Air Act Self Certifications.

Longer-term Improvements. None recommended.

Formats for Public Access. SSINA believes that the indicator array (presentation of indicators within the sample table) is misleading and may cause readers to perceive relationships between indicators that do not exist. SSINA stated that SFIP created a misleading nexus between TRI, noncompliance, and human health and environmental risk data. Mr. Thompson stated that TRI is not related to noncompliance, nor is noncompliance related to human health or environmental risk. SSINA believes that EPA should clarify that TRI releases are legal, permitted, and environmentally acceptable. However, SSINA stated that the public would probably ignore any caveats included with the data regarding the limitations of TRI data and hazard ranking scores. SSINA was concerned that by including TRI data with demographics data, the public may assume that there is a cause and effect relationship between TRI releases and risk associated with living within a three mile radius of a steel mill. SSINA also stated that TRI data were not intended to be used to calculate hazard ratings.

Uses of SFIP Data. SSINA voiced concern that caveats stating the limitations of the data will probably not be passed along to users.

Additional Issues

None.

NOTE: SSINA circulated its prepared statement at the SFIP Public Meeting, which was submitted to the Docket and stated that the Association will provide additional written comments to the Docket addressing the focus topics.

Question and Answer Session for Panel IV

EPA Question: Is there anything either of you like about SFIP?

SMA Response: I guess you are trying to rank different releases now. Overall we are not objecting to the program. But if you do it, do it right.

SSINA Response: SSINA takes a slightly different approach. For the most part, we are not satisfied with this project, because it comes within the frame of OECA and is an enforcement

targeting program. We believe that we do our part and that most of our facilities are in compliance with applicable regulations. We see this as just another way to get the big guys.

EPA Question: You mentioned that it is important to clarify that TRI releases are not a demonstration of noncompliance. How can EPA clarify this so that the general public understands?

SSINA Response: It is a difficult question. One way to do this is to not array the data on an individual spreadsheet. Instead, make a packet of each individual indicator where the data limitations can be specified right along with the data as opposed to a preamble stating caveats separate from the data. Cover pages tend to be ripped off, and what is left is a chart with raw numbers. There needs to be a way to present data with caveats.

EPA Question: You have been saying that SFIP distorts the compliance picture by not presenting total meaningful compliance obligations. If EPA did it your way, would that make that SFIP data meaningful?

SSINA Response: If we are going to do this right and be able to look at the data five years down the road rather than next year, then maybe we need to develop both the numerator and the denominator. There are ways to do it.

EPA Question: Would you suggest that EPA might require continuous monitoring on all of your air emissions?

SSINA Response: No, not at all. When facilities go through the permitting process, for example, the air program establishes many permit obligations (e.g., monitoring requirements) through New Source Review, Prevention of Significant Deterioration, and Title V. Compliance indicators should somehow reflect all the requirements a facilities faces as opposed to measuring what may be one paperwork violation on one day as out of compliance that entire quarter. That does not do justice to a facility that has been in compliance with 99.9 percent of the remaining applicable requirements.

EPA Question: This brings up the problem of a very broad definition of compliance obligations (denominator) and a comparatively narrow definition of noncompliance (numerator). If we want to bring compliance obligations in as part of the denominator, we have to address the issue of the numerator. How can EPA measure all noncompliance events that occur, rather than only those detected through inspections and reporting?

SSINA Response: I suggest you start by looking at Title V (CAA), where there is going to be an obligation for our facilities to certify compliance with their permits. Title V is trying to codify requirements into one document, and each year facilities have to certify compliance.

EPA Question: You have mentioned that you feel it is inappropriate to use the HRS scoring system as a base for toxicity-weights. I wanted to point out that SFIP uses just the toxicity factor part of that methodology. There is no consideration of site-specific characteristics, so

there is a totally independent calculation when it comes to Superfund sites. We feel it is perfectly appropriate to use toxicity-weights as a relative ranking scheme. This will be discussed further in an upcoming Science Advisory Board review of the TRI Indicators model on July 2, 1997. Do you have particular comments regarding toxicity factors and matrices?

SMA Response: You are using data originally meant for Superfund and plugging it into something else. We would be happy to work with you developing these rating systems.

EPA Follow-up: The original Superfund scoring methodology will be available along with other materials one month before the SAB meeting (June 2, 1997). That may help inform you about what we are doing. We do not feel that the original linkage of that Superfund scoring has any real bearing on toxicity-weights used for other purposes.

SSINA Response: To the extent that SFIP is meant to identify those who are significant violators by applying toxicity-weights to TRI data, you are implying that toxicity-weighted releases are the driving force behind a facility's compliance obligations. In regard to air, it is not toxicity that leads one to get permits, it is technology-based standards depending on emissions and the type of processes you use. So, putting these data out and implying that certain facilities are bad actors based on those data is inappropriate if they have permits and they are following the law. Until the statute changes, we should not make toxicity and TRI releases information the driving forces behind whether a facility is a good or bad actor.

EPA Response: We would counter that people are already using TRI pounds to rank states and facilities. EPA feels that it is more appropriate to apply hazard as an initial step towards looking at relative risk. OPPT is fully supportive of OECA's work in this area, but OPPT intends to push it even further by looking at exposure and population through modeling to examine indicators of relative risk impacts at facilities.

EPA Question: You both talked about distinguishing between paperwork versus other types of violations. We have included two indicators, ERNS spills data and emissions over discharge limit under the water program, in addition to significant violator flags that indicate exceedences over permit levels. You mentioned compliance certification under the Air program. Are there any other indicators that you think we should include so we can identify more significant violations and get past the paperwork issue?

SSINA Response: I would have to give that some more thought. I can respond with our written comments.

PANEL V

Robert Drew, American Petroleum Institute

Mr. Drew stated that the American Petroleum Institute (API) is a trade organization with over 300 members. API's members represent all aspects of the petroleum industry, including the petroleum refining industry, which is one of the five sectors covered in SFIP. API stated that while it supports the public's right to know about the environmental risks it faces, it also believes that EPA has an obligation to the public to provide accurate and meaningful data. API's presentation concentrated on toxicity-weights, which it feels are inappropriately used by SFIP.

API provided comments on one of the seven focus topics listed in the FR Notice:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. Mr. Drew likened EPA's presentation of the toxicity-weighted TRI releases, absent the context provided by exposure and dose response modeling, to building one-third of a bridge, and said that users should be warned that the bridge is incomplete.

First, API mentioned that the TRI release data presented in the SFIP are not a sound basis for making facility comparisons, since these data vary depending on whether releases for a facility are monitored or estimated.

Second, API stated that multiplying the TRI releases by toxicity-weighting factors only compounds the effect of already faulty TRI data. API continued by saying that the toxicity-weighted TRI release data presented in the SFIP are a measure of hazard, but that they are only a limited measure of hazard. API expressed concern that EPA had not provided any explanations of this limitation within SFIP itself, only in separate explanatory documents. Additionally, Mr. Drew referred to EPA's acknowledgment, during the SAB hearing, that approximately 50 chemicals, which were not in the IRIS or HEAST databases, had significant errors in the calculations of toxicity-weights. API also asserted that the multiplier used in the toxicity-weighting will magnify the variability in the underlying data. The wide range of the toxicity-weights will have a dramatic effect on a facility's ranking of TRI releases.

Third, API pointed out that the weighted TRI releases do not represent risk, because no measure of dosage is taken into consideration. Without any presentation of risk-potential thresholds, the toxicity-weighted TRI data will imply a risk when no risk may be present.

API also stressed the need for EPA to be consistent between chemical rankings based on toxicity-weights proposed for SFIP and OPPT's *Chemicals Priority List*. The API representative gave an example of the chemical benzidine which was at the upper end of the toxicity-weights in SFIP but at the mid-point of the *Chemicals Priority List* scale.

Finally, API mentioned that TRI underground injection information should not be included in SFIP, since chemicals disposed of in this way do not pose a potential hazard or risk. According to API, deep well injections do not have the same exposure, and therefore hazard factor, as do air releases. API maintains that inclusion of these TRI release pathways in the SFIP only makes it weaker.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Additional Issues

API urged EPA to allow the public to review the basis for the calculations of the toxicity-weights, particularly the toxicity-weighting multiplier.

NOTE: API circulated its prepared statement at the SFIP Public Meeting, which was submitted to the Docket, and stated that API will also submit additional written comments to the Docket regarding the organization's concerns about the compliance section in SFIP.

Mark Saperstein, ARCO

Mr. Saperstein described ARCO as a large petrochemical company that operates many petroleum refining facilities in the United States. Mr. Saperstein expressed concern that significant problems in the SFIP may lead the public to misinterpret and misuse the data presented in the project. ARCO mentioned that the lack of a risk-based metric and exposure data in SFIP, as well as other significant problems with SFIP methodology, would not allow for meaningful comparisons to be made among facilities in a given sector.

ARCO provided comments on three of the seven focus topics in the FR Notice:

Improving Public Access. No comments.

Sector Approach. Mr. Saperstein mentioned that the use of four-digit SIC codes may appear specific, but that it in fact lumps together facilities that vary markedly based on type of feedstock and operations. Facility comparisons cannot, therefore, be made within

four-digit SIC codes. According to Mr. Saperstein, an additional reason facility comparisons based on TRI emission estimates cannot be made is that TRI emissions estimation methods may vary for different facilities, depending location and need to comply with local reporting requirements. Mr. Saperstein stated that comparisons between facilities in non-attainment areas, with numerous compliance requirements and inspections (e.g., 100 times per year), and those in attainment areas with far fewer compliance points and inspections, cannot be made. (The distinction between attainment and non-attainment areas is based on ambient air quality).

Appropriate Indicators. ARCO argued that the toxicity-weighted score presented in SFIP tends to penalize facilities and may be a disincentive for facilities to install certain air pollution control technologies. An example was presented of one facility that uses the latest control technology, selective catalytic reduction, to reduce NO_X emissions. This facility would have a higher weighted TRI score than a facility that does not use the technology since a slight excess of ammonia, which is reported to TRI, is needed to destroy the NO_X (which is not reported to TRI).

Alternative Indicators. ARCO proposed that a more appropriate baseline for comparison may be an estimate of exposure. ARCO would be willing to work with EPA in developing a risk-based metric.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. ARCO expressed disappointment upon hearing that environmental groups would use SFIP for facility ranking when the project was not intended for that purpose. He stressed that even if EPA attached caveats warning the public of the shortcomings of SFIP, the public would still use the data to rank facilities.

Additional Issues

None.

NOTE: Mr. Saperstein intended to also represent the Western States Petroleum Association (WSPA), but stated that WSPA will send written comments separately to the Docket.

Question and Answer Session for Panel V

EPA Question: EPA has heard the bridging analogy before but thinks about it a little differently. OPPTS supports using toxicity-weighted TRI releases, which are viewed by EPA as a legitimate method, based on chemical hazard, of prioritizing limited resources and energy. The TRI Environmental Indicators model, which will look at population and exposure, and not just hazard, is not yet in place.

You had pointed out ammonia as your example, but ammonia has a relatively low toxicity-weight. For facilities that do not use selective catalytic reduction, would pollutants released in larger volumes receive higher toxicity-weights, and thus a higher score and therefore balance out relative comparisons between emissions, facilities, and sectors?

ARCO Response: I do not know what the weighting for NO_X would be.

API Response: It concerns API that if SFIP goes on the Internet, people will assume hazard and risk are the same, when they are not. For example, a compound with a short half-life in the environment, even though it may have a much higher toxicity-weight, is somewhat un-important since people do not get exposed to it. For internal EPA use, the toxicity-weights within SFIP are useful, but API is concerned about when it goes out to the public, because the exposure assessment is missing, and has yet to be included into SFIP.

EPA Question: Hypothetically speaking, if a risk model is developed that everyone agrees on as being worthwhile, and its results show that the facilities that look worse in terms of scoring are situated in urban areas, and may be operating as environmental leaders with efficiency levels above competitors in rural areas, how would your members view toxicity-weighting compared to a population risk metric that reflects the setting of the facility?

API Response: The question you posed is one that we've been concerned with, because facilities may be in complete compliance, but may be perceived as having a higher risk because of their location. This has all sorts of implications.

EPA Follow-up: This puts EPA in a hard position. Industry has voiced opposition to comparisons made using TRI pounds because it is not a risk measure and has opposed toxicity-weighting because it does not include fate and transport and exposure components. If appropriate risk measures can be developed, we anticipate opposition because they have little to do with a facility's compliance record.

API Response: I will say that the petroleum industry is in favor of risk-based decision-making, such Risk Based Corrective Action under RCRA. We may have to live by that sword as well as die by that sword.

EPA Question: What if the public wants to know what TRI releases are known or suspect carcinogens or ozone-depleters or heavy metals? Should we tell them, with the caveat to be careful how to use this information since we do not know the chemicals' fate and transport, or should our answer be: we cannot tell you since we do not have full fate and transport information and there are many variables associated with this?

ARCO Response: If the public asks, you should tell them.

EPA Follow-up: But should we make it easy for them and give them appropriate caveats?

ARCO Response: I am not sure it adds that much, given the crudeness of the hazard index at this point, but if EPA is asked, the public deserves to know what the effects of emissions are.

PANEL VI

Julie Becker, American Automobile Manufacturers Association

Ms. Becker identified The American Automobile Manufacturers Association (AAMA or Association) as a trade association representing Chrysler Corporation, Ford Motor Company, and General Motors Corporation. Together these companies produce almost 80 percent of all U.S.-built motor vehicles and operate 276 assembly and component manufacturing facilities. Ms. Becker stated that AAMA shares EPA's concern that the public has the right to know about facility emissions and environmental records and also recognizes the value in linking Agency databases. However, AAMA does not believe that the proposed methodology for facility hazard ranking and the calculation of noncompliance rates fulfills the mandate of the Reinvention initiative, particularly since SFIP relies on TRI data. By completing the Facility Key Identifier Initiative, AAMA believes that EPA could address the Reinvention goal of providing the public with data on compliance history and environmental performance. The Association feels that SFIP would not provide compliance data to assist the states in setting priorities but would rather waste limited resources and unfairly stigmatize well-run facilities. Finally, AAMA believes that SFIP methodologies would fail to provide states, EPA, and the public with improved analytical capabilities. According to Ms. Becker, the Association believes that EPA must correct its approach before going forward with SFIP and is willing to work with EPA to develop meaningful profiles of facilities.

AAMA provided comments on four of the seven focus topics listed in the FR Notice:

Improving Public Access. Ms. Becker stated that AAMA believes in the public's right to know about facility emissions, permitting, and compliance, and supports EPA's efforts to provide the public with this information. However, AAMA was concerned that some privately run Web sites currently provide access to EPA facility information without attaching explanations and caveats regarding the limitations of the data. The Association expressed frustration over delays and other problems with EPA data sets (inability to link permits for given facilities and difficulty in making corrections to facility records) that came up during its participation in the Common Sense Initiative.

Sector Approach. The Association sees potential value in linking the Agency's databases to make it easier for the public to obtain comprehensive and user-friendly information about specific facilities. AAMA encouraged EPA to focus its efforts on the Facility Identifier Initiative.

Appropriate Indicators. AAMA feels that the methodology used for calculating a Facility Hazard Score will mislead the public and cause federal, state, and local agencies to misdirect their enforcement resources. (Written comments were submitted to the SAB on April 29,1997).

The Association also expressed concern that compliance indicators do not accurately depict the environmental compliance obligations of member facilities. AAMA feels that

SFIP does not address the duration (one-time violations versus those that go uncorrected for several months) or severity (paperwork violations versus those resulting in environmental harm) of noncompliance events. AAMA also mentioned that SFIP fails to distinguish between self-reported violations and those discovered by other means that count as "noncompliance" accusations made against facilities, whether or not there has been a finding of noncompliance by a court or administrative law judge.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. AAMA is deeply concerned that industries in SFIP will be irreparably harmed by the widespread use of inaccurate and misleading Facility Hazard Scores. The Association cited that the interest of two firms in using SFIP data (by filing Freedom of Information Act Requests) were evidence enough of the potential harm the project could cause.

Additional Issues

None.

NOTE: AAMA circulated its prepared statement at the SFIP Public Meeting, which was submitted to the Docket.

Amy Lilly, Association of International Automobile Manufacturers, Inc.

As described by Amy Lilly, the Association of International Automobile Manufacturers, Inc. (AIAM or Association) represents the U.S. subsidiaries of 18 international automobile companies doing business in the U.S. Member companies distribute passenger cars, light trucks, and multipurpose passenger vehicles in the U.S. Ms. Lilly stated that AIAM strongly believes that SFIP will destroy the trust and the environmental improvement gained through various regulatory Reinvention efforts supported by Carol Browner. The Association does not believe that there is any way to fix SFIP because AIAM considers it to be inherently flawed. While AIAM supports community right to know, the Association does not feel that this is the true goal of SFIP and strongly encourages OECA to focus its resources on initiatives such as the National Performance Measures Strategy.

AIAM provided comments on two of the seven focus topics listed in the FR Notice:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. AIAM feels that it is impossible to use TRI data for facility comparisons since TRI data do not account for differences in facility operations (e.g., painting versus body assembly). While the Association acknowledged EPA's effort to consider production capacity in its facility comparisons, AIAM feels that this normalization is inadequate since the indicator does not account for differences in vehicle surface area. AIAM also believes that the methodology used to calculate compliance, indicators is oversimplified and does not account for differences in compliance obligations which vary according to state programs (e.g., some states may require Lowest Achievable Emissions Rate technology), local conditions, and diverse facility operations. AIAM is concerned that compliance indicators only paint a negative image of environmental performance and fail to account for positive accomplishments by facilities. As a result, the Association believes that SFIP will discourage self-auditing and participation in regulatory Reinvention programs. Thus, facilities may be reluctant to share information which will be used against them by OECA.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. Ms. Lilly cited an example to show how SFIP data presented on a quarterly basis could potentially be misused. She stated that an environmental group, the Project Environmental Foundation, misused data and was able to portray the environmental performance of facilities in Minnesota as deplorable although the rate of compliance within the state was above the national average. The AIAM representative stated that from 1987 through 1989, noncompliance rates with NPDES permits (issued under the Clean Water Act) was five percent for Minnesota facilities, compared to 8 to 12 percent nationwide. In 1990, the Project Environmental Foundation audited the Water Quality Division of the Minnesota Pollution Control Agency and released a report stating that 100 percent of the major dischargers and 97 percent of minor dischargers in Minnesota violated their permits.

Additional Issues

None.

NOTE: AIAM circulated its prepared statement at the SFIP Public Meeting, which was submitted to the Docket.

Question and Answer Session for Panel VI

EPA Question: I would like to follow up on your comments regarding industry participation in voluntary programs. Were you proposing that we incorporate data on participation on

voluntary programs as a possible additional indicator? If so, what would those indicators be and how would we collect that data?

AAMA Response: We have raised this issue because we believe that SFIP is punitive and negative in its approach, not because we think that there is a quick fix and not because we think that by adding yet another measure or hanging another ornament on the Christmas tree that you are going to be able to make it right.

Let me augment another point regarding our involvement in CSI. One question you asked of panelists is would we provide review on the data. The auto industry has done that under CSI. We have looked at the data in EPA's systems for nearly two years and have reviewed and attempted to correct that data. We have no assurances that the data will be corrected. So, we, in essence, have already done that review. And, through that stakeholder process, there were a number of problems cited by various stakeholders, including various environmental groups, that are well documented in CSI reports.

EPA Question: You made a statement that the auto industry was not the worst sector in terms of compliance records. How did you know which sectors were worse, and what were the measurement categories?

AIAM Response: We spoke with someone who once worked for the Agency in the water pollution control division, and he described how the Office of Enforcement determines rates of compliance. He pointed out that federal facilities have a much higher rate of violations than our sector and more than most industrial facilities. I can get back to you on what the measurement criteria were.

AAMA Response: Given the amount of requirements needed to conduct an appropriate risk assessment (which EPA has published in the Federal Register), compiling the data into a single-type score makes a travesty of the range of uncertainty. There is nothing in the SFIP report that indicates the range of uncertainty. While I have not done the analysis, I challenge you to conduct an analysis and find that there is such a range of uncertainty as to make moot any differences between the scores.

EPA Question: Can you clarify that point? We are using only one element of the Hazard Ranking System, which is toxicity-weighting and not the hazard ranking score. You seem to be implying that, whether you call it the hazard ranking score or toxicity-weighting, that we are coming up with a single score for sectors or facilities. Are you referring to a particular indicator, or were you under the impression that there was one score to be developed for each sector?

AAMA Response: Two comments. My impression from listening to the environmental groups that spoke earlier is that they would like to see a single facility score and that is how they want to use the data. That is our real concern. On the hazard ranking question, condensing so many basic health-related data into a toxicity-weight simply overlooks the range of uncertainty. I suspect, if an analysis was properly done by those in the Agency in

charge of risk assessment, the range of toxicity-weight uncertainty would be wider than the high and low ends of the toxicity score.

EPA Follow-up: For the most part, what we are using is IRIS and HEAST values. It is true for some effects, non-cancer in particular, that uncertainty and modifying factors and general levels of confidence are identified. These are available to the public for any chemical that receives our scoring through the matrix. We are planning on placing those materials in the methodology document due out June 2, 1997. The public should be fully aware of what those are and they are perfectly appropriate for translating animal data into an appropriate RfD. That would reflect human exposure and is an accepted and peer-reviewed method that the Agency uses.

AAMA Response: You have made part of my point, which is that there is a wealth of data that needs to be interpreted and properly characterized. That is not being put in the proposed SFIP methodology.

EPA Follow-up: It is characterized in the IRIS value itself, and that value is placed into order of magnitude ranges that are used to determine, through toxicity factor matrices, the appropriate order of magnitude range of scores for individual chemicals. That information is publicly available.

EPA Question: In terms of environmental bench marking and performance, you mentioned that you were worried that outside companies that market EPA data would produce public reports on elements of SFIP or other EPA data systems. When we talked with a lot of those companies, they indicated that some of their biggest clients are within the five SFIP industries. Their sense is that the companies want to know how they are doing compared to their competitors. Have you asked whether your members would use this data?

AAMA Response: Our members have said that the SFIP data are flawed, and they would not use the data. They mentioned that they rely on internal environmental compliance program data as a way of tracking performance.

PANEL VII

Lisa Williams, Aluminum Association

Lisa Williams stated that members of the Aluminum Association produce primary and secondary aluminum, aluminum alloys, and related products. The Aluminum Association represents 11 of the 13 companies engaged in primary aluminum production at 23 U.S. facilities. According to Ms. Williams, the Association supports the public's right to know about the environmental compliance records and the chemical releases of facilities within their communities, and supports the communication of accurate information to the public. However, the Aluminum Association is concerned that SFIP does not meet these criteria and would instead confuse the public through the misleading presentation of data already publicly available. In addition, the Association disagrees with EPA's statement that SFIP does not create new policies or definitions and uses existing information. The Aluminum Association believes that the selection, manipulation, and presentation of information, as in SFIP, represents new policy and that the basis for the toxicity-weighting factors represents new definitions, methodology, and calculations. The Association feels that SFIP does not better inform environmental analysis or provide context for the potential relative hazard of pollutants. The Aluminum Association believes that there is no sound basis for EPA to adopt methodology from the TRI Relative Risk Indicators Model to SFIP until the Science Advisory Board (SAB) has completed its review, public notice has been given, and any necessary modifications have been made. In addition, the Association feels that any shortcuts EPA takes with this procedure under the guise of informing the public do not serve the public. The Aluminum Association looks forward to a constructive dialogue with EPA in addressing these concerns and others raised at the public hearing.

The Aluminum Association provided comments on four of the seven focus topics listed in the FR Notice:

Improving Public Access. No comments.

Sector Approach. The Aluminum Association stressed that facilities that produce aluminum are distinct from facilities that make zinc, lead, or copper and felt that there was no reason for these facilities to be grouped together. Ms. Williams voiced the Association's concern that facilities that do primary processing of aluminum may be grouped together with facilities that have other operations, such as secondary processing and coil coating. The Aluminum Association stated that because these facilities use distinct chemicals and face distinctly different environmental regulations, they should not be grouped together in SFIP.

Appropriate Indicators. The Aluminum Association agrees with other organizations that SFIP compliance profiles should reflect the level of severity of noncompliance events. The Association stated that paperwork violations do not present the same risk to the public as illegal chemical spills. The Aluminum Association believes that EPA should wait

for SAB review and public notice before adopting the methodology from the TRI Relative Risk Indicators Model to SFIP.

Alternative Indicators. The Aluminum Association mentioned that member companies are participating in voluntary measures, such as the Voluntary Aluminum Partnership under the President's National Action Plan. The Association stated that it is willing to provide information on this program but was unsure how to incorporate data on facility participation in voluntary programs into SFIP.

Longer-term Improvements. None recommended.

Formats for Public Access. The Aluminum Association stressed that it is important to note that toxicity-weights are not risk factors but hazard indicators. The Association is concerned about how EPA plans to communicate the toxicity-weights to the public, particularly whether SFIP will present it as an indicator of risk or hazard.

Uses of SFIP Data. None recommended.

Additional Issues

None.

Chuck Elkins, ASARCO Incorporated

According to Chuck Elkins, ASARCO Incorporated (Asarco) is one of the world's leading producers of primary nonferrous metals and a member of the National Mining Association. Mr. Elkins stated that while Asarco supports the public's right to know about risks posed by a facility, the company feels that EPA has an obligation to ensure that the information is accurate and meaningful. Asarco believes that SFIP conflicts directly with sound principles of the public's right to know because OECA's toxicity-weighting methodology does not address the fate and transport and exposure pathways for chemical releases. In addition, Asarco feels that the methodology has an inadequate scientific foundation because the methodology has not been peer-reviewed by SAB. The company does not understand OECA's need to move ahead of the scientific process and urged OECA to be patient and work with the rest of EPA to include data on fate and transport and exposure in SFIP.

Asarco provided comments on three of the seven focus topics listed in the FR Notice:

Improving Public Access. Asarco does not dispute the importance of providing relevant information about the environmental performance of facilities to the public, and recognizes that information is an increasingly important tool in the environmental protection tool kit.

Sector Approach. No comments.

Appropriate Indicators. Mr. Elkins believes that toxicity-weighted TRI release data are inappropriate for use in SFIP since they do not account for fate and transport and exposure pathways of the releases. In addition, the representative voiced concern that OECA creates new numbers in SFIP that oversimplify the actual situation, provides incomplete and confusing data, and then presents SFIP as a major tool for making risk-based decisions. Mr. Elkins stated that the toxicity-weighted TRI release data in SFIP have not been developed on a firm scientific foundation since IRIS toxicity values have not been peer-reviewed (although the individual toxicity studies have) and uncertainty values for the IRIS data have not been included in SFIP. He mentioned that although the top five aggregate toxicity-weighted TRI release scores are for primary lead and copper smelting facilities, for each facility about 80 to 95 percent of the total facility-wide aggregate scores are attributable to lead contained in slag. He stressed that metals contained in the slag result in little, if any, release to the environment and that fate and transport are essential to determine that chemical's risk.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. Mr. Elkins agreed that local communities, states, citizen groups, and companies would benefit from a TRI database that conveyed actual risk. However, he stated that this project must not be done in a piecemeal fashion. Mr. Elkins voiced concern that the public will use the TRI data to estimate risk even though data on fate and transport and exposure are not included. He also stated that no matter how many caveats OECA provides stating the distinction between toxicity and risk, the public will use the TRI database as an indicator of risk, since hazard information gives the appearance of providing risk-based information. Mr. Elkins voiced Asarco's doubt regarding the ability of the general public to understand the limitations of the hazard scores and properly interpret the data. In addressing who should bear the burden of educating the public, Asarco stated that few companies have the authority to inform the public about the limitations of EPA data.

Additional Issues

None.

NOTE: Asarco circulated its prepared statement at the SFIP Public Meeting, which was submitted to the Docket.

Question and Answer Session for Panel VII

EPA Question: We heard in the first panel a series of alternative measurement strategies or additional data fields that would be of interest to the public. Alternative indicators suggested by today's panels include Clean Air Act Compliance (Title V) certification and finding a way to capture compliance obligations on the facility level. We have heard many comments regarding the different compliance and significant noncompliance indicators we used. What elements would you like to see that would improve the way information is aggregated now? And, what other measurement categories would be viable alternatives in terms of presenting the compliance picture for facilities?

Asarco Response: As my testimony shows, I think the most fundamental thing is to deal with the fate and transport and exposure, and until you do that, nonviolation and violation measures are not nearly as important. It is my understanding that OPPTS is nearing its completion of its work, which may or may not be accurate, but at least it has gone through scientific review. That is more important to citizens than noncompliance measures.

EPA Question: We have heard today a series of comments that some industry representatives do not think that TRI data has anything to do with noncompliance with environmental laws. Just focusing on that part of the project and not community right to know regarding pollution releases, what specific factors can we use to improve how we are now presenting compliance data?

Asarco Response: Of course, emissions do not have anything to do directly with compliance or noncompliance. We doubt that citizens would first like to know whether EPA thinks a facility is in compliance or not in compliance. Because sometimes they do not trust EPA maybe as much as they should, we believe citizens want to know if what they are breathing or drinking is safe -- whether it poses significant risk. I think it is possible to provide this information if emissions data are provided along with the other factors related to risk, toxicity being just one of them. And while there are more emissions than those reported to TRI, SFIP does not capture a whole lot of other facility emissions. It is possible to turn TRI data into a meaningful risk indicator.

Aluminum Association Response: As Julie Becker (AAMA) mentioned earlier, we do not want to add more ornaments to the Christmas tree (i.e., make a longer list of indicators). We want to make sure the public is provided with the proper context along with TRI data so that there are not distortions of the data.

EPA Question: If I understand what you are saying, either we address the problems associated with toxicity-weights or we drop that part of the project. If we dropped toxicity-weights, would you feel comfortable with the rest of the project?

Asarco Response: I am not sure Asarco is in the position to agree with that. I think you have to ask how meaningful is it to talk about compliance and noncompliance, particularly as there are differing state requirements and some noncompliance is related only to paperwork

violations. If we get people very focused on compliance and noncompliance, rather than risk, then we are taking them in the wrong direction. I think the public is more concerned about knowing whether they are safe as opposed to what the enforcement relationship is between the federal government and a particular facility, especially since permit requirements involve a hundred other things which are very hard to put in context.

Aluminum Association Response: I would like to add that I am glad we have this opportunity, as in the SAB review, to air these issues. I would suggest we continue to do that. We have recently been presented with this project and we have not had much opportunity to discuss details of SFIP.

EPA Question: I wanted to point out that the toxicity-weighting factors are just one part of the TRI Relative Risk-based Indicators Model. Back in 1992, it was subject to peer review when we had three experts in risk assessment review the model. It was also subject to public comment in 1992, and we have responded to the comments received at that time. EPA agrees that SAB review is important for such an important tool. Based on today's comments, there seems to be some difference of opinions about how toxicity-weights contribute to risk-based decision-making. It is true that using toxicity-weighted releases does not address exposure nor the number of people being exposed, and OPPTS is pushing for a full risk-related impact analysis. However, toxicity-weighted TRI releases is a start and can be an effective screening tool which allows the public (if presented along with the appropriate caveats) and EPA to prioritize resources and efforts spent looking at sectors or facilities within a sector. Do you have any comments on the use of toxicity-weighted releases as a screening tool?

Asarco Response: About 80 to 95 percent of the lead reported to TRI by our industry is contained in slag, which is unlikely to result in human exposure. We recognize that ranking on the basis of toxicity reflects the fact that some chemicals in TRI are more hazardous than others. We feel that this approach might be appropriate for screening on an internal basis but seriously question whether you are doing the public a service if you do that. This exercise identifies lead smelters as being the most hazardous, and are they? No.

Aluminum Association Response: At the SAB meeting, we raised serious concerns regarding the background behind the 100,000 toxicity-weighting for aluminum. That indicates to us that there are probably other compounds with the same problem.

EPA Follow-up: Let me point out that those chemicals with high scores are under evaluation now and that revision will be published in the methodology document in a few weeks.

PANEL VIII

Robert Roberts, Environmental Council of States

As explained by Robert Roberts, Executive Director of the Environmental Council of States (ECOS), ECOS is the national non-partisan, non-profit association of state and territorial environmental commissioners. Fifty-one of the fifty-five states and territories in the U.S. are members of ECOS. ECOS represents the agencies on the state level which correspond with the U.S. Environmental Protection Agency (EPA). Mr. Roberts read out the ECOS resolution on SFIP, which was passed at a ECOS meeting (March, 1997) of over 40 environmental commissioners. The ECOS resolution urges EPA to ensure accuracy of the data and data quality in SFIP before releasing it to the public. ECOS also asks EPA to delay the release of SFIP until the SFIP methodology review has been completed and an appropriate methodology has been agreed to. ECOS also presented several letters from various state agencies (Ohio, Michigan, Georgia, Oklahoma, Indiana, Alabama, Texas, Florida, Louisiana and Missouri), which express states' opinions on SFIP.

ECOS did not directly comment on any of the seven focus topics listed in the FR Notice:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. None recommended.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Additional Issues

ECOS highlighted that 85 percent of all environmental enforcement actions are carried out at the state level and that state funds account for approximately 80 percent of total expenditures on environmental protection. As a result, ECOS asserted that states are directly affected by EPA programs such as SFIP.

Before reading out the resolution which was passed at the March, 1997, ECOS meeting, Mr. Roberts began by asserting the state agencies' commitment to provide accurate and easily understood information to the public. However, ECOS believes that EPA should be careful not to release inaccurate or mis-leading data which may create a drain on federal and state resources. ECOS pointed out that the compliance data, the TRI data and the

toxicity-weighting factors in SFIP are being used in a way that they were not intended and that the accuracy of the compliance data is questionable. ECOS also pointed out that EPA should distinguish between substantial and non-substantial compliance violations when calculating facilities' compliance rates if they are to be used in SFIP. ECOS conveyed that state commissioners are willing to review the SFIP methodology to ensure accuracy of the data in SFIP.

NOTE: ECOS circulated its prepared statement, the entire text of the resolution passed by the Environmental Council of States, and the states' letters at the SFIP Public Meeting, which were submitted to the Docket.

Question and Answer Session for Panel VIII

EPA Question: I think we are all agreed, the previous speakers, the states and EPA, that assuring data quality is desirable prior to releasing any of the facility specific data. Given the various alternatives for assuring data quality that we have heard, would the states be comfortable, and I am sure there are varying views across the states, in making the facility-level data available to the industries as a step in data quality assurance?

ECOS Response: As I understand your question, it would be to release the data just within the particular industry? There may be a variety of views among the states, as there usually are on most things. We have not addressed that particular issue, and to my memory, none of the letters that I have presented to you addresses that particular issue. I will try to find an answer by surveying our people and get it back to you for the record, but I don't think we have looked at that.

EPA Follow-up: When we talked earlier you had indicated that there was a lot of interest in supporting the project by doing the appropriate data quality review on behalf of the states.

ECOS Response: Yes, that is absolutely correct. I also want to make sure that you understand that we are as committed to the release of information as are you. It is not our position that no such project as this can succeed, nor is it our position that we oppose such a project. The various problems that my people see with the current status of the program are outlined in the letters and we are certainly willing to work with you on a state-to-Agency basis, or through ECOS to try to resolve them.

EPA Question: I know we have had discussions about what 'data quality' means but the position we are in, in terms of implementing this project is, as you mentioned, that 85 or so percent of the enforcement and other actions come at the state level, states are under obligation to feed national data systems under RCRA, Water and the Clean Air Act and to a large extent a lot of that information is already captured within those databases that are in the public domain either through the Internet or direct access. What we have done here is basically taken that information from several programs and put it together at a facility level. Is

your chief data quality concern the information that is being reported into the core systems or, is it the way that we are using the information to present it at the facility level?

ECOS Response: I think there are several data quality comments in the material that I have given you. We believe that in some instances the *context* in which the data may be presented is insufficient to make clear what it is that is being reported. For instance, a previous speaker has referred to the distinction between 'significant violations' and 'less significant violations.' That may not be a data error problem or a data weakness problem, it may be a data *context* problem. There well may be ways in which that can be resolved. EPA has an interest in releasing good information to the public. You have a lot of information. You have to decide whether what you have is sufficiently clear, understandable and reliable to go forward or whether EPA would be better off improving those databases or gathering additional data before going forward. My Association at this point comes down on the latter side of that question.

EPA Question: The question is how do we get to that point where there are no data quality issues? Further, how do we then keep it current and maintain quality efforts over the long run?

ECOS Response: It may be that the perfect is the enemy of the possible. We could wait until we have absolutely perfect data which would be so long that it would lose its validity. I do not know the answers to how we make certain, once implemented, that we are continuing to feed high quality information. I think the first questions are, how do we determine that the quality threshold has been met, that the information is sufficiently reliable, and clear and accurate enough to proceed with its release? At this point I do not know the answer to your question.

PANEL IX

Rich Puchalsky, The Unison Institute

Rich Puchalsky stated that the Unison Institute, is a nonprofit organization dedicated to information technology in the public interest. According to Mr. Puchalsky, the Unison Institute supports SFIP and believes that SFIP combines a number of EPA initiatives, acts as a test case for some, and provides the public with a useful data set. The Unison Institute believes that SFIP will act as an impetus for the Facility Identifiers and TRI Indicators initiatives and demonstrates that ENVIROFACTS and IDEA can be used by EPA as sources of raw and analyzed data. The Unison Institute stated that SFIP is a welcome initiative since enforcement data have not, to date, been as available to the public as have toxics release data. The Unison Institute feels that the release of SFIP will only increase (and not confuse) the public's understanding of the impact of facilities on the environment. While the Institute acknowledges that some of the methodology used in SFIP is not perfect, the Institute believes that the presentation of data in SFIP is better than what currently is available.

The Unison Institute provided comments on three of the seven focus topics listed in the FR Notice:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. The Unison Institute believes that the general data categories in SFIP (toxicity, releases, enforcement, production, and demographics) are appropriate. However, the Unison Institute believes that there are better ways that existing information can be used in SFIP. The Unison Institute feels that the current TRI release/production indicator is useful but does not appropriately measure pollution prevention efforts. While the Institute supports the toxicity-weighting process of TRI chemicals, it stated that it is a mistake to leave chemicals out of the rankings because they have not yet been evaluated or insufficient toxicity information exists (toxicity-weights for these are missing, which is equivalent to a value of "0"). The Unison Institute stated that these chemicals should be assigned the median toxicity-weight to reflect that "what we do not know could hurt us". Such place holder values could be updated as more data become available.

While the Unison Institute agrees that SFIP methodology is not perfect, the group believes that SFIP is better than existing data sets. The group stated that if industry wants more accurate exposure data to be included in SFIP, more monitoring needs to be required (which industry does not want). In terms of self-reported TRI data, The Unison Institute said that if industry wants more accurate data, industry should consider reporting the data accurately in the first place.

The Unison Institute believes that it is important to keep track of paperwork violations in SFIP. The Institute stated that facilities self-report exceedences pertaining to their water

permits and that committing a paperwork violation by not sending in a report could be a way for facilities to conceal more serious violations. While some facilities may have more compliance requirements to fulfill, the Unison Institute feels that facilities with more requirements generally have great or potential hazard. Mr. Puchalsky stated that the public probably needs to know more about facilities that are more heavily regulated and that individual violations at those facilities are important for the public to know about.

Alternative Indicators. The Unison Institute suggested that TRI total waste (from Section 8 of TRI Form R) divided by production is a better indicator to measure pollution prevention efforts: this ratio can also be weighted by toxicity. The Institute also stated that underground injection data should be included in TRI total release indicators and toxicity-weighted according to the groundwater pathway.

The Unison Institute recommended that SFIP should include data on total financial penalties in dollar amounts, as well as quarters in noncompliance. The Unison Institute suggested that SFIP include state-level enforcement data, as well as federal enforcement data, to give a better picture to the public.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. The Unison Institute believes that the release of the SFIP data will not confuse the public but increase the public's understanding of the impact of facilities on the environment. The Unison Institute mentioned that industry groups were also concerned about confusing the public with the initial publication of TRI data and its successive expansion. The Institute had not seen any additional confusion of the public associated with the release of those data but found instead greater public understanding of what is going on. The Unison Institute believes that industry groups are more worried about increasing public understanding than increasing public confusion.

Additional Issues

None.

Question and Answer Session for Panel IX

EPA Question: You mentioned the importance of taking responsibility for self-reported data. Some of that data is self-reported by EPA and state agencies, and some is reported by industry. Do you believe then that all groups have the responsibility to make sure data are accurate?

The Unison Institute Response: There are clearly things that EPA can do, and there are clearly some data sets that EPA is primarily responsible for. I wanted to point out that the clear majority of the data is self-reported by permiters.

EPA Question: What do you think about making sure that data are appropriately caveated and that explanations of the data stay with the data? I am particularly interested in your experience with communicating such guidance to data users and techniques you have found to be successful.

The Unison Institute Response: We have not seen any great horror stories about using data without caveats. These same concerns were brought up regarding TRI data. You can pass the caveats along, but I have generally found that these concerns stem from an underestimation of the public. We have found that if a member of the public really takes the trouble to seek out these data and to understand a long string of numbers, then they are also smart enough to understand the caveats. A typical web-browsing person will browse the data and move along, but a member of the public who has the initiative to look for these data also has the ability to understand it.

EPA Question: You mentioned assigning a median score for unweighted chemicals. Currently, we are using IRIS and HEAST values for about 47 TRI chemicals. Are you proposing that we assign a median score for these chemicals as well?

The Unison Institute Response: No, only those that fall short of those approaches. I understand that is only about two percent of the total poundage that are unranked. Still, leaving these chemicals out of the ranking is implicitly the same as leaving them with a zero ranking. That assumes that ignorance is bliss and that what we do not know cannot hurt us. In fact, these chemicals had sufficient information to be put on the TRI list in the first place, so there is some information that they are toxic. The fact that we do not know how toxic they are should lead us to assign these chemicals median rankings rather than a zero ranking.

EPA Question: In comments received at the SAB review, community groups stated that there are three things people are concerned about regarding chemical releases by facilities: how much is released near me, how bad is it, and will it get to me. In your experience in the community right to know field, do you think that it is worthwhile to look at how bad or toxic those chemicals are or do you think we need to determine whether the chemicals will get to the public before answering how bad the chemicals are?

The Unison Institute Response: I believe that any step forward is worthwhile. A lot of the comments received today point out that "the perfect is the enemy of the good." I think further progress in any area is probably better than no progression at all. I definitely think that toxicity information is one of the things that people generally ask about. Right now, they are not well served by considering all of the TRI chemicals as equally toxic or equally worthy of concern. I see definite problems in measuring whether the chemicals will get to the public through a national database, and until we come up with realistic plans for collecting that data, I can only see a demand for such data as an obfuscatory tactic.

OPEN COMMENT SESSION

Rodney Livingston, unaffiliated

Rodney Livingston was the only member of the public who spoke during the Open Comments Session at the SFIP Public Meeting. Mr. Livingston urged that SFIP data be as accessible to the public as possible via the Internet and other media. He suggested that the data be formatted electronically in such a way so that members of the public can access the data using different computer programs and can customize the data to their needs.

Mr. Livingston provided comments on three of the seven focus topics listed in the FR Notice:

Improving Public Access. Mr. Livingston recommended that data be readily available to members of the public in as many forms as possible, such as electronic (Internet) and hardcopy. He stated that the public has the right to know about facility spills and clean-ups and that companies should not be able to cover up such information. Mr. Livingston mentioned the importance of EPA staff being able to write source code that would enable data to be accessible using different formats and computer programs. He stressed the importance of using open operating systems to increase the accessibility of data and to enable users to manipulate the data to their specific needs.

Sector Approach. No comments.

Appropriate Indicators. Mr. Livingston stated that it does not matter if toxicity-weights are included in SFIP since people will slant the data any way they want.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. Mr. Livingston stated that having the SFIP data available on the Web is important to increase public access.

Uses of SFIP Data. None recommended.

Additional Issues

Mr. Livingston suggested that the Open Comments Session take place earlier in the public meeting to make it more convenient for people to voice their opinions.

Appendix

The reference for the SFIP Public Docket is Administration Record 178.

Tables and Discussion of SFIP Indicators by Mr. Michael Barrette can be found in "Sector Facility Indexing Project (SFIP) Public Meeting Supplemental Document 1: Discussion of Indicators Used, *EPA Booklet Distributed at Public Meeting*" in the SFIP Public Docket, item number AR178-020a.

The "*EPA Booklet Distributed at Public Meeting*" contains the following:

- Quick Facts About the Sector Facility Indexing Project
- Sector Facility Indexing Project - Federal Register Notice
- Sector Facility Indexing Project (SFIP) Public Meeting Supplemental Document 1: Discussion of Indicators Used
- Sector Facility Indexing Project Questions and Answers

Additional information and comments can also be found in the SFIP Internet site. The Internet addresses for SFIP are:

SFIP Home Page: http://es.inel.gov/oeca/sfi/index.html

FR Notice (with seven focus topics): Please follow the links to the Federal Register Notice from the SFIP Home Page.

Discussion of SFIP Indicators: Please follow the links to the to Discussion of the SFIP Indicators from the SFIP Home Page.

SFIP sample tables: Please follow the links to the to Discussion of the SFIP Indicators from the SFIP Home Page.